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1 CHAIRMAN FRAZEE: MEETING WILL COME TO
2 ORDER AGAIN, PLEASE.

3 WE'RE GOING TO DEVIATE FROM OUR
4 AGENDA A BIT AND TAKE UP ITEM 13. SEVERAL PEOPLE
5 HAVE ANOTHER MEETING TO GO TO AND HAVE REQUESTED
6 THAT WE TAKE CARE OF THIS ONE FIRST. SO GO AHEAD.
7 THIS IS THE CONSIDERATION OF APPROVAL TO FORMALLY
8 NOTICE PROPOSED REGULATIONS TO PLACE TRANSFER/
9 PROCESSING OPERATIONS AND FACILITIES WITHIN THE
10 REGULATORY TIERS.

11 MS. REYNOLDS: GOOD AFTERNOON, CHAIRMAN
12 AND COMMITTEE MEMBERS. MY NAME IS ALLISON
13 REYNOLDS. THE PURPOSE OF THIS ITEM IS TO CONSIDER
14 APPROVAL TO FORMALLY NOTICE THE PROPOSED
15 REGULATIONS TO PLACE TRANSFER/PROCESSING OPERATIONS
16 AND FACILITIES WITHIN THE REGULATORY TIERS. SINCE
17 THE SEPTEMBER COMMITTEE MEETING, STAFF HELD A WORK
18 GROUP CONSISTING OF BOARD STAFF, LOCAL ENFORCEMENT
19 AGENCIES, AND INDUSTRY REPRESENTATIVES TO DISCUSS
20 THE REVISIONS TO THE DRAFT REGULATIONS.

21 STAFF HAVE ATTEMPTED TO MAKE A
22 REASONABLE COMPROMISE BETWEEN THE RECYCLING
23 INDUSTRIES, WASTE INDUSTRY, AND LOCAL ENFORCEMENT
24 AGENCIES WITH THE SUGGESTED LANGUAGE IN THE DRAFT
25 REGULATIONS. STAFF WAS UNABLE TO INCLUDE A SUMMARY

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1 OF THE MORE IMPORTANT POINTS IN THE AGENDA ITEM
2 BECAUSE THE ITEM WAS WRITTEN PRIOR TO THE WORKSHOP
3 BEING HELD, BUT WE WERE ABLE TO INCLUDE THE LATEST
4 DRAFT VERSION OF THE REGULATIONS IN THE AGENDA ITEM
5 PACKET PRIOR TO CIRCULATION.

6 STAFF CONTINUES TO REFINE THE DRAFT
7 REGULATIONS AND WANTS TO INFORM THE COMMITTEE THAT
8 ADMINISTRATIVE CHANGES WILL BE MADE TO THE DRAFT
9 REGULATIONS PRIOR TO NOTICE FOR THE 45-DAY COMMENT
10 PERIOD, AND STAFF PLAN TO ADD TWO MORE DEFINITIONS,
11 WOOD PAPER AND WOOD PRODUCT MANUFACTURE AND WIRE
12 CHOPPERS, TO NO. 39 OF THE DEFINITIONS.

13 PLEASE REFER TO THE POINTS OF
14 INTEREST DOCUMENT, WHICH IS AVAILABLE AT THE BACK
15 TABLE OF THE ROOM, FOR A QUICK SUMMARY OF THE
16 AMENDMENTS TO THE DRAFT REGULATIONS. THE MAIN
17 POINTS ARE AS FOLLOWS BEGINNING WITH NEW
18 DEFINITIONS. WE HAVE AUTO DISMANTLER, AUTO
19 SHREDDER OR METAL SHREDDER, RENDERING PLANT, RESCUE
20 RESALVAGE OPERATIONS, AND SCRAP METAL RECYCLERS AND
21 DEALERS, WHICH WILL BE CORRECTED FROM AUTO
22 RECYCLERS TO AUTO DISMANTLER IN ONE SECTION OF THE
23 DEFINITIONS, WIRE CHOPPER, WOOD PAPER, OR WOOD
24 PRODUCT MANUFACTURER.

25 THEN WE HAVE A REVISED DEFINITION OF

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1 RECYCLING CENTER. THAT'S 17402(A)(24), WHICH
2 INCLUDES WET MATERIAL CONVERSION, WHICH ALLOWS FOR
3 AN ADJUSTMENT IN THE 10-PERCENT CALCULATION TO
4 INCLUDE WEIGHT OF WATER IN THE RESIDUE ONLY WHEN
5 THE USE OF WATER IS ESSENTIAL IN THE SORTING
OF
6 MATERIAL.

7 NOW WE HAVE REGULATIONS OF WASTE
8 TYPES APART FROM THE RECYCLING DEFINITION IN D
OF

9 24 WHICH HAS BEEN ADDED SO THAT THESE TYPES OF
10 WASTES WILL STILL BE REGULATED EVEN THOUGH
THEY

11 WERE SENT THROUGH A RECYCLING CENTER BECAUSE,
AS

12 THE DEFINITION CURRENTLY STANDS FOR SOURCE
13 SEPARATED AND SEPARATED FOR USE, THESE TYPES
OF

14 WASTE COULD BE ACCEPTED AT RECYCLING CENTERS.

15 THERE IS ALSO A VOLUNTARY
RESIDUAL

16 REPORTING FORM FOR RECYCLERS. THERE IS AN ISSUE
IN

17 WHICH SEVERAL RECYCLING INDUSTRY REPRESENTATIVES
18 HAVE SUGGESTED AUTHORITY LANGUAGE TO BE ADDED TO

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19 THE DEFINITION OF RECYCLING CENTERS WITHOUT
BEING

20 PLACED OUTSIDE THE BOARD'S AUTHORITY. AND I
21 BELIEVE THERE ARE SOME RECYCLING INDUSTRY
22 REPRESENTATIVES THAT MAY WANT TO ADDRESS THIS
23 ISSUE.

24 AND STAFF HAVE ADDED LANGUAGE TO
THE

25 RESIDUAL DEFINITION IN 17402(A)(27) IN AN
ATTEMPT

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1 TO PREVENT FURTHER TRANSFER/PROCESSING TAKING
PLACE
2 ON MATERIAL THAT SHOULD OTHERWISE BE DETERMINED
TO
3 BE RESIDUAL. STAFF HAVE MODIFIED THE ORIGINAL
4 DEFINITIONS OF SOURCE SEPARATED AND SEPARATED
FOR
5 USE BY TAKING OUT THE TERM "BY THEIR OWNER."
6 OPERATIONS AND FACILITIES HAVE BEEN PLACED INTO
THE
7 TIERS BASED ON TONNAGE. AND THE REFERRAL TO THE
8 DOSH, DIVISION OF OCCUPATIONAL SAFETY AND
HEALTH,
9 OTHERWISE REFERRED TO AS CAL-OSHA, WILL BE
10 EXPLAINED FURTHER BY MR. ELLIOT BLOCK.
11 AND THEN THERE'S DUST CONTROL,
12 17407.4, LANGUAGE WHICH HAS BEEN ADDED TO
THIS
13 SECTION IN REGARDS TO REDUCED HANDLING OF
WASTE
14 DURING PROCESSING TO PREVENT THE CREATION OF
15 EXCESSIVE DUST AND THAT DUST SUPPRESSION
METHODS
16 SHALL BE IMPLEMENTED OR INSTALLED IF DUST

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LEVELS

17 ARE DEEMED EXCESSIVE BY THE EA.

18 SINCE DUST CONTROL IS AN
IMPORTANT

19 ISSUE WITH TRANSFER/PROCESSING ACTIVITIES,
STAFF

20 WILL BE ORGANIZING A WORKING GROUP TO PREPARE
A

21 DUST MANAGEMENT PRACTICES MANUAL ON DUST
CONTROL

22 WHILE THE TRANSFER/PROCESSING REGULATIONS ARE
BEING

23 DEVELOPED.

24 AND FINALLY, WE HAVE AN OPERATION

25 PLAN WHICH HAS BEEN ADDED TO THE REGULATIONS FOR

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1 MEDIUM VOLUME TRANSFER/PROCESSING FACILITIES.
2 THEN FINALLY WE HAVE DEVELOPED A
3 GENERIC METHODOLOGY CHART TO SUPPORT THE LEVELS
OF
4 PLACEMENT INTO THE PERMIT TIERS.

5 AND WITH US TODAY WE HAVE MR.
RICHARD

6 HANSON TO GIVE A SUMMARY OF THE SURVEY OF LOCAL
7 ENFORCEMENT AGENCIES. IN ORDER TO STIMULATE
8 FURTHER COMMENTS ON THE DRAFT REGULATIONS FROM A
9 LARGER POOL OF INTERESTED PARTIES, STAFF
RECOMMENDS

10 OPTION NO. 1, THAT THE COMMITTEE DIRECT STAFF TO
11 BEGIN THE 45-DAY PUBLIC REVIEW AND COMMENT
PERIOD

12 WITHOUT REVISIONS TO THE PROPOSED REGULATIONS.

13 THIS CONCLUDES MY PORTION OF
THE

14 PRESENTATION. ARE THERE ANY QUESTIONS OF
STAFF

15 REGARDING THE MATERIAL I'VE COVERED?

16 CHAIRMAN FRAZEE: QUESTIONS? IF NOT,
AT

17 THIS POINT --

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18 BOARD MEMBER RELIS: THERE WILL BE.

19 MS. REYNOLDS: ELLIOT BLOCK WILL NOW
COVER

20 THE REFERRAL PROCESS TO DIVISION OF
OCCUPATIONAL

21 SAFETY AND HEALTH.

22 MR. BLOCK: AND ACTUALLY THIS WILL BE
VERY

23 BRIEF. IN TERMS OF THE REGULATIONS, THERE ARE
FIVE

24 SECTIONS WHERE WE'VE IDENTIFIED SOME POTENTIAL

25 OVERLAP WITH DEPARTMENT OF OCCUPATIONAL SAFETY
AND

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1 HEALTH.

2 IN THE DRAFT REGULATIONS BEFORE
YOU,

3 WE HAVE INCLUDED SOME LANGUAGE ACTUALLY
REFERRING

4 TO AND INCORPORATING A MEMORANDUM OF
UNDERSTANDING

5 WITH THAT AGENCY. WE ARE STILL IN THE PROCESS
OF

6 WORKING ON THIS DOCUMENT WITH THEM. AND BASED
ON

7 SOME DISCUSSIONS WITH THEM, WE'RE ACTUALLY ALSO

8 RECOMMENDING THAT THE SPECIFIC REFERENCE TO A

9 PARTICULAR MEMORANDUM OF UNDERSTANDING BE TAKEN
OUT

10 OF THE TEXT OF THE REGULATIONS ALTHOUGH WE STILL

11 WILL BE WORKING ON A MEMORANDUM OF
UNDERSTANDING.

12 THAT MEMORANDUM OF UNDERSTANDING
IS

13 PRIMARILY HAVING TO DO WITH A REFERRAL PROCESS

14 ITSELF. THE REGULATIONS WILL STILL INCLUDE THE

15 REQUIREMENT OF A REFERRAL, BUT THE ACTUAL
MECHANICS

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16 OF HOW IT'S DONE WOULD BE INCLUDED IN THE
17 MEMORANDUM OF UNDERSTANDING. WE DON'T HAVE THAT
18 IN
19 A FINAL FORM NOW, AND IT'S UNCLEAR IF WE WOULD
20 HAVE
21 IT IN FINAL FORM BEFORE WE WANT TO START THE 45-
22 DAY
23 COMMENT PERIOD. TO ACTUALLY INCORPORATE IT IN
24 THE
25 REGULATIONS, WE WOULD HAVE TO HAVE IT FINISHED
ON
THE SAME SCHEDULE AS THE REGS.

23 CHAIRMAN FRAZEE: DOES THE OSHA
REFERRAL

24 REFER TO DUST ONLY?

25 MR. BLOCK: NO.

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1 CHAIRMAN FRAZEE: AND NOT ANY OTHER
TYPES

2 OF OCCUPATIONAL HEALTH VIOLATIONS?

3 MR. BLOCK: THE FIVE SECTIONS ARE DUST
4 CONTROL, WHICH IS ON PAGE 21 OF THE REGULATIONS.
I

5 SHOULD HAVE LISTED THESE SEPARATELY. PERSONNEL
6 HEALTH AND SAFETY.

7 CHAIRMAN FRAZEE: OKAY. SURE. I
REMEMBER

8 NOW.

9 MR. BLOCK: SANITARY FACILITIES, WHICH
10 STARTS ON THE BOTTOM OF PAGE 25 AND GOES ON TO
PAGE

11 26; TRAINING ON PAGE 28. MAY ACTUALLY BE ONLY
12 FOUR. FOR SOME REASON I WAS THINKING THAT THERE
13 ARE FIVE.

14 THE LANGUAGE IN THOSE SECTIONS IS
ALL

15 THE SAME. AT THE VERY END AFTER TALKING ABOUT
16 REFERRAL TO THE DEPARTMENT OF OCCUPATIONAL SAFETY
17 AND HEALTH, THERE'S A REFERENCE TO THE MOU.
NOISE.

18 OKAY. NOISE IS THE OTHER SECTION, SO THERE WERE

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19 FIVE. I'M SORRY. YES. ON PAGE 24.

20 SO WE'RE NOT PLANNING ON CHANGING

21 ANYTHING ABOUT HAVING -- TRYING TO DRAFT A

22 MEMORANDUM OF UNDERSTANDING WITH THAT AGENCY, BUT

23 WE'RE GOING TO BE JUST TAKING THE DIRECT

REFERENCE

24 AND INCORPORATING IT OUT OF THE REGULATIONS.

AND,

25 OF COURSE, WE'LL BE COMING BACK TO THE

COMMITTEE

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1 AND THE BOARD WITH THAT ACTUAL AGREEMENT FOR
YOU

2 ALL TO BE ABLE TO REVIEW.

3 SINCE THAT'S A DISCUSSION BETWEEN
4 AGENCIES, THE TIMING OF THAT DOESN'T TEND TO
MATCH

5 THAT WELL WITH THE TIMING OF COMMENT PERIODS
AND

6 THAT SORT OF THING, AND SO WE'RE TRYING TO MAKE
7 THIS AS EASY AS POSSIBLE IN TERMS OF WORKING
THAT

8 OUT.

9 DO YOU HAVE ANY OTHER QUESTIONS
ABOUT

10 THAT?

11 CHAIRMAN FRAZEE: NO. JUST TRYING TO
12 UNDERSTAND HOW THAT WOULD WORK IN THE CASE OF
13 TRAINING. IT MAY NOT BE PERTINENT AT THIS TIME,
14 BUT THAT IS ASSUMING THAT OSHA HAS TRAINING
15 REGULATIONS.

16 MR. BLOCK: CORRECT. THE WAY THAT WE
HAVE

17 WORDED ALL OF THESE SECTIONS IS DESIGNED TO

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ENSURE

18 THAT BOTH AGENCIES ARE AWARE OF AND ABLE TO
RESPOND

19 TO THESE ISSUES WITHIN THEIR RESPECTIVE
JURISDIC-

20 TIONS. AND THAT'S --

21 CHAIRMAN FRAZEE: I COULD SEE HOW THAT
22 REFERRAL WOULD WORK ON OTHER THINGS SUCH AS
23 SANITARY FACILITIES OR DUST, BUT I'M A LITTLE
BIT

24 VAGUE ABOUT HOW THAT WOULD APPLY IN THE
TRAINING.

25 MS. RICE: I BELIEVE THE REFERENCE MAY
BE

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1 THEY WOULD LIKELY HAVE REQUIREMENTS FOR BASIC
2 HEALTH AND SAFETY TRAINING FOR PERSONNEL. AND
IF
3 THE LEA FELT THAT THAT HASN'T BEEN PROVIDED,
THAT
4 MAY ALSO BE AN ISSUE FOR CAL-OSHA. I THINK
WE'RE
5 JUST POSING THAT IT MAY BE SOMETHING THAT THE
LEA
6 WOULD DEAL WITH; IT MAY BE SOMETHING THAT THE
LEA
7 WOULD ALSO LIKE TO REFER TO CAL-OSHA FOR
FOLLOW-UP
8 IN CASE THEY DID HAVE SUCH REQUIREMENTS FOR
9 TRAINING ON HEALTH AND SAFETY ISSUES FOR
PERSONNEL.

10 MR. BLOCK: WHAT WE CAN DO, WHAT I CAN
DO
11 IS I CAN GO BACK TO -- CAL-OSHA IS SO MUCH
EASIER
12 TO SAY THAN DOSH, ALTHOUGH THEY'VE INFORMED US
THAT
13 THAT'S TECHNICALLY NOT THE RIGHT TERM FOR THEM -

-

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14 BUT I CAN GO BACK TO THAT AGENCY AND GET SOME
15 SPECIFIC INFORMATION AS TO WHAT STANDARDS THEY
16 HAVE.

17 THEY DEFINITELY IDENTIFY TRAINING
18 AS

18 AN AREA WHERE THEY HAVE SOME JURISDICTION, AND
19 SO

19 THAT'S WHY WE PHRASED IT THIS WAY. I CAN'T
20 UNFORTUNATELY TELL YOU SPECIFICALLY WHAT THAT
21 IS

21 RIGHT NOW, BUT I WILL GET THAT.

22 CHAIRMAN FRAZEE: OKAY. QUESTIONS OF
23 STAFF? TAKE TESTIMONY. LET'S HEAR FROM
24 RICHARD

24 HANSON FIRST, THEN, ON THIS ISSUE.

25 MR. HANSON: AFTERNOON, MR. FRAZEE,
MR.

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1 RELIS, MR. JONES. RICHARD HANSON, CHIEF LEA,
L.A.

2 COUNTY LEA.

3 SEVERAL MONTHS AGO WHEN THE
INITIAL

4 PROPOSED REGULATIONS CAME OUT, THERE WERE
CONCERNS

5 BY NUMEROUS LEA'S THAT PERHAPS THIS APPROACH
6 COULDN'T -- WOULDN'T WORK, WOULD BE
UNENFORCEABLE.

7 SO ONE OF THE SUGGESTIONS BY SEVERAL OF THE
LEA'S

8 AND MR. RELIS WAS THAT THE LEA'S PUT TOGETHER A
9 SURVEY TO TRY TO DETERMINE SEVERAL THINGS,
ONE,

10 WHETHER OR NOT THE NUMBER OF FACILITIES THAT
WERE

11 SURVEYED IN 1995, WHERE THEIR POSITION WAS AS
FAR

12 AS RESIDUALS, WHETHER OR NOT THAT HAS MOVED
AND

13 WHETHER, IN FACT, WE DO HAVE A PROBLEM WITH
THE

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14 MEDIAN OF FACILITIES RIGHT AT THE 10-PERCENT
15 RESIDUAL MARK AS WE THE LEA'S OR SOME OF THE
16 LEA'S
17 SUGGESTED WAS THE FACT.

17 AND THE OTHER MAIN REASON WAS TO
18 DETERMINE WHETHER OR NOT THERE WAS A NATURAL
19 BREAK

19 IN THE DATA OF NONPERMITTED OR PERMITTED
20 FACILITIES, SUCH AS LARGE VOLUME TRANSFER
21 STATIONS,

21 WHERE ONE COULD REASONABLY PLACE A DEMARCATION,
22 FOR

22 INSTANCE, BETWEEN REGISTRATION TIER AND A FULL
23 PERMIT TIER.

24 SO WE SENT OUT SURVEY FORMS TO
25 EVERY

25 LEA IN THE STATE. WE CONTACTED MANY OF THEM
MANY

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1 TIMES, AND WE RECEIVED BACK PROBABLY CLOSE TO
200
2 RESPONSES AS FAR AS 200 SHEETS FOR -- ONE SHEET
FOR
3 EACH FACILITY. WE SET UP A CRITERIA OF THOSE,
WHAT
4 WE WOULD ACCEPT INTO OUR MAIN DATABASE AS, ONE,
IT
5 HAD TO BE A LARGE VOLUME TRANSFER STATION AT
LEAST
6 PERMITTED, OR IT HAD TO BE A SOURCE SEPARATED
7 PROCESSOR NONPERMITTED, BUT WOULD ONLY PROCESS
8 MULTIPLE TYPES OF MATERIALS, NOT A SINGLE
PURPOSE
9 MATERIAL OR ONE SINGLE TYPE OF MATERIAL.
10 IN OTHER WORDS, IN THIS DATABASE
WE
11 DIDN'T INCLUDE GLASS ONLY, METAL ONLY, WHETHER
12 THEY'RE SCRAP METAL DEALERS OR METAL RECYCLERS
OR
13 WHATEVER, AND WE DIDN'T INCLUDE JUST PAPER
ONLY.
14 SO WE WANTED TO TRY TO DISTINGUISH WHAT THE

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15 DIFFERENCES WERE BETWEEN A NONPERMITTED SOURCE
16 SEPARATED PROCESSOR THAT LOOKS LIKE A DIRTY
MRF,

17 HAVE ESSENTIALLY THE SAME TYPE OF EQUIPMENT,
THEY

18 JUST PROCESS DIFFERENT TYPES OF MATERIAL. WE
19 WANTED TO SEE IF THERE WAS A DIFFERENCE.

20 THE TOTAL THAT WENT INTO THE MAIN
21 DATABASE WAS 123. NINETY-TWO OF THESE WERE
22 PERMITTED FACILITIES. THEY WERE EITHER LARGE
23 VOLUME TRANSFER STATIONS OR THEY WERE MRF'S.
AND

24 31 WERE NONPERMITTED FACILITIES, FOR A TOTAL OF
25 123. THIS REPRESENTED 42 OF THE APPROXIMATELY
59

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1 LEA JURISDICTIONS REPRESENTING 84 PERCENT OF
THE
2 POPULATION OF THE STATE. SO WE FEEL WE HAVE A
3 FAIRLY GOOD REPRESENTATION OF THE DATA
STATEWIDE,
4 AND I THINK WE COULD PROBABLY EXTRAPOLATE IT
5 EASILY.
6 I'M NOT A STATISTICIAN, SO I
REALLY
7 CAN'T COMMENT ON HOW VALID THE DATA IS, BUT
THAT'S
8 SIZE OF SAMPLE COLLECTION.
9 THE RESULTS ARE: THE CATEGORIES
ARE
10 FROM LEFT TO RIGHT. THE FURTHEST TO THE LEFT
IS
11 THE UNDER 2-PERCENT RESIDUAL AND TO THE RIGHT
IS 95
12 PLUS RESIDUAL. THE CATEGORIES ON THE RIGHT ARE
NOT
13 EQUAL TO THE ONES ON THE LEFT BECAUSE IT WOULD
14 SPREAD OUT TOO MUCH. THE BLUE SOLID ARE
PERMITTED
15 FACILITIES AND THE GREEN STRIPED ARE THE NON-

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16 PERMITTED FACILITIES.

17 THE AVERAGE OF THE NONPERMITTED
18 RESIDUAL AVERAGE WAS 5.1 PERCENT; AND EXCLUDING
19 THOSE THAT REPORTED ZERO RESIDUAL, THE MEDIAN
WOULD
20 BE FOUR.

21 NOW, ON MOST OF THE CALCULATIONS
THAT

22 WE DID, WE EXCLUDED ZERO BECAUSE WE FELT THAT
THERE

23 IS AN ERROR THERE WHEN SOMEBODY REPORTED ZERO.

24 THERE'S ALWAYS SOMETHING. THERE MAY BE ON
OCCASION

25 ZERO, BUT WE NOTICED THAT WHEN WE WOULD GO BACK
AND

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1 TALK TO SOME OF THE REPORTERS, THE SURVEYORS,
THEY

2 WOULD SAY, WELL, THEY JUST SAID THAT IT WAS
VERY

3 SMALL, AND SO IT WAS ESSENTIALLY ZERO. WELL, IF
4 THEY TOOK IN A LOT, VERY SMALL COULD STILL BE
5 CONSIDERABLE AMOUNT. SO WE EXCLUDED ZERO.

6 NOW, WHEN YOU LOOK AT THAT, IT
JUMPED

7 OUT AT ME FOR A COUPLE OF REASONS. THAT I WAS
8 CONCERNED ABOUT THE RESULTS HERE, NOT SO MUCH
WITH

9 THE PERMITTED FACILITIES BECAUSE I THINK THAT'S
--

10 THE RESULTS OR THE DATA THAT WE GOT FROM
PERMITTED

11 FACILITIES WAS FAIRLY ACCURATE. WE DIDN'T JUST
12 TAKE THE SHEETS AND LOOK AT THEM AND ENTER
THE

13 DATA. WE CONTACTED MANY OF THE PEOPLE THAT
TOOK

14 THE DATA SEVERAL TIMES TO TRY TO CLARIFY SOME
OF

15 THEIR RESPONSES. AND SO WE THINK THAT WE DID

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A

16 FAIRLY GOOD JOB OF TRYING TO PUT IN AS CLEAN A
DATA

17 AS WE COULD AND TRY TO BE CONSISTENT ACROSS THE
18 BOARD.

19 WHAT CONCERNED ME HERE WAS THE
20 NONPERMITTED FACILITIES OR THE SOURCE SEPARATED
21 PROCESSORS WAS THAT THE AVERAGE AT 5.1 PERCENT
WITH

22 THE MEDIAN AROUND 4 WAS SIGNIFICANTLY DIFFERENT
23 THAN A JURISDICTION THAT TURNED IN ALL OF
THEIR

24 SINGLE MATERIAL PROCESSING FORMS. IN OTHER
WORDS,

25 WHAT THEY TURNED IN DIDN'T MAKE THE DATABASE

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1 ULTIMATELY BECAUSE IT WAS SINGLE MATERIAL, BUT
2 WHAT'S UNUSUAL ABOUT THIS PARTICULAR
JURISDICTION
3 IS THAT ALL OF THE RECYCLING FACILITIES, WHAT
WE
4 WOULD CONSIDER RECYCLING OR SINGLE MATERIAL
5 PROCESSORS, ARE LOCALLY PERMITTED BY THIS
JURIS-
6 DICTION. THEREFORE, WE HAVE A HIGHER CONFIDENCE
IN
7 THE VALIDITY OF THE DATA FROM THAT PARTICULAR
8 JURISDICTION, AND THERE'S ABOUT 25.
9 AND SO WE LOOKED AT THE PERCENTAGE
OF
10 RESIDUALS FROM THAT PARTICULAR JURISDICTION, AND
11 THIS IS WHAT WE CAME UP WITH THERE.
12 THAT'S AN AVERAGE OF 6.23 PERCENT
13 WITH A MEDIAN OF AROUND 7. WHAT THAT MEANS IS
THAT
14 THESE PARTICULAR FACILITIES WERE REPORTING A
HIGHER
15 RESIDUAL THAN THE ONES IN THE MAIN DATABASE
16 SURVEY. AND WHEN I ASKED MICHAEL KUHN, WHO

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HELPED

17 CONDUCT THE 1995 SURVEY, HE INDICATED THAT IT
WAS

18 VERY CLEAR THAT THE SINGLE MATERIAL PROCESSING
19 FACILITIES WERE THE CLEANEST IN '95, THAT IT
WAS

20 VERY EVIDENT. SO WHEN I SEE SINGLE
PROCESSING

21 FACILITIES, WHICH ARE ALL OF THESE THAT HAVE
A

22 HIGHER RESIDUAL THAN WHAT WE HAD AND REPORTED
IN

23 THE SURVEY, IT MADE ME QUESTION THE VALIDITY OF
THE

24 REPORTED DATA.

25 SO WHAT I DID, AS I ATTEMPTED TO
TRY

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1 TO EMULATE WHAT WENT ON IN THE '95 SURVEY WITH
THE

2 DATA THAT WE HAD, UTILIZING THIS PARTICULAR
DATA

3 HERE AS REPRESENTING SINGLE MATERIAL
PROCESSORS,

4 AND THEN WE TOOK THE PERMITTED FACILITIES THAT
WE

5 WERE CONFIDENT OF THE DATA THERE, AND WE
EXTRACTED

6 THE SOURCE SEPARATED PROCESSING PORTION OUT OF
7 THOSE. SOME OF THOSE FACILITIES WERE
MULTIPLE

8 OPERATIONS. THEY WERE TRANSFER STATIONS
WITH

9 MRF'S, BUT THEY ALSO DID WHAT WE WOULD CONSIDER
10 CLEAN MRF'ING, SOURCE SEPARATED PROCESSING. SO
WE

11 JUST LOOKED AT THE SOURCE SEPARATED PROCESSING
OF

12 THOSE FACILITIES, AND WE ADDED IT TOGETHER WITH
THE

13 SINGLE MATERIAL PROCESSOR. SO BOTH OF THESE

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SETS

14 OF DATA ADDED TOGETHER WE WERE RELATIVELY
CONFIDENT

15 IN.

16 AND WHAT WE CAME UP WITH THAT WAS
17 THAT (INDICATING). NOW, WHAT THIS SHOWS IS THE
18 PERMITTED FACILITIES THAT CONDUCTED SOURCE
19 SEPARATION OF PREVIOUSLY SEPARATED MATERIAL IS
IN

20 THE LIGHTER PORTION, AND THE SINGLE MATERIAL
SOURCE

21 PROCESSING FROM THE ONE JURISDICTION IS IN THE
22 BLACK, AND ADDED TOGETHER THAT'S WHAT WE GET.

AND

23 I DON'T SEEM TO HAVE WHAT THE MEDIAN IS ON THAT,
24 BUT IT'S SOMEWHERE, AS I RECALL, IT'S SOMEWHERE
25 AROUND 8.

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1 NOW, IF ONE LOOKS AT WHAT HAPPENED
IN
2 1995, USING THE SAME CATEGORIES AND COMPARING IT
3 WITH THIS, THE SHAPES OF THE GRAPHS ARE VERY
4 SIMILAR. SO IN THIS WAY -- AND THIS WAS RATHER
5 SURPRISING TO ME. PEOPLE SAY, OH, YOU JUST
6 MANIPULATED THE DATA. BUT, NO, YOU CAN DO THAT
FOR
7 YOURSELF BECAUSE YOU HAVE ALL THE DATA. I GAVE
YOU
8 THE WHOLE THING. SO YOU HAVE IT. YOU CAN DO
WITH
9 IT AS YOU WISH. THESE ARE JUST MY OBSERVATIONS
OF
10 IT.

11 SO THE GRAPHS LOOK VERY SIMILAR.
SO

12 WHAT THIS SUGGESTS IS THAT I HAVE MORE
CONFIDENCE

13 IN THIS APPROACH WITH THE DATA THAN I DID WITH
JUST

14 THE RAW NUMBERS. AND I FEEL THAT ALTHOUGH THERE
15 LOOKS LIKE THERE'S SOMEWHAT OF A SHIFT ON THE
TOP

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16 GRAPH TO THE LEFT, THE NUMBERS ARE SO SMALL
AND

17 IT'S DIFFICULT TO KNOW WHETHER OR NOT MY
EMULATION

18 OF THE 1995 EFFORT, HOW CLOSE THAT WAS TO THE
19 ORIGINAL EFFORT. I DON'T KNOW. SO -- BUT THE
FACT

20 THAT THE SHAPE OF THE GRAPH LOOKS VERY SIMILAR,
I

21 THINK, IS SOMEWHAT INDICATIVE.

22 THIS MEANS THAT THE BRIGHT LINE IS
23 STILL CLOSE TO THE MIDDLE OF THE PACK FOR
SOURCE

24 SEPARATED MATERIALS.

25 THERE WAS SEVERAL OTHER THINGS
THAT

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1 WE GOT OUT OF THE SURVEY. AND WHEN -- SEVERAL
2 QUESTIONS WE ASKED WAS FOR THE PERMITTED
3 FACILITIES, WHAT TYPES OF STATE MINIMUM
STANDARDS

4 WAS THE -- DID THEY CONSIDER WOULD BE THE
PROBLEMS

5 AT THE SITE. AND SO THEY WERE GIVEN A CHOICE
OF

6 EIGHT TO MARK. THEY MARKED ALL EIGHT OR NONE
OR

7 ONE OR WHATEVER. AND THEN FOR THE
NONPERMITTED

8 FACILITIES, WE ASKED THEM WHAT DO YOU THINK
WOULD

9 BE THE PROBLEMS AT THESE FACILITIES. AND THIS
IS

10 THE RESULT.

11 NOW, I KNOW IT'S DIFFICULT TO
READ,

12 BUT THE DARK BAR IS THE PERMITTED LARGE VOLUME
13 TRANSFER STATION, MRF'S; AND NOT SURPRISINGLY
THE

14 CONCERN OR THE REPORTING OF STATE MINIMUM
STANDARDS

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15 CONCERNS IS HIGHER THAN THE OTHERS. NOW, THE
16 SMALL -- IT'S ACTUALLY GREEN -- RIGHT NEXT TO
THE

17 DARK BAR IS THE REPORTED NUMBER OF CONCERNS
FOR THE

18 NONPERMITTED FACILITIES.

19 NOW, SINCE THERE WAS ONLY ONE-
THIRD

20 COMPARED TO THE PERMITTED, WHAT I DID IS I

21 MULTIPLIED THAT BY THREE TO TRY TO GET A
DIRECT

22 COMPARISON WITH THE PERMITTED FACILITIES. AND
SO

23 THAT'S THE BLUE BAR ON THE RIGHT. AND WHAT
YOU CAN

24 SEE THERE IS GENERALLY THE CONCERN IS ONLY
HALF AS

25 MUCH AS IT IS IN THE PERMITTED FACILITY. SO
CLEAN

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1 PROCESSOR, ACCORDING TO MOST OF THE LEA'S,
FEELS

2 THAT IT'S NOT NEARLY THE CONCERN AS A --
EITHER A

3 TRANSFER STATION OR A MRF.

4 WHAT DOES ALL THIS MEAN? FIRST
OF

5 ALL, THAT UNDERLINES HOW DIFFICULT IT IS TO
GET

6 DATA FROM SURVEYS. I REALLY LEARNED A LOT OUT
OF

7 ALL THIS. I REALLY WOULDN'T WANT TO GO THROUGH
8 THAT AGAIN.

9 AND THAT'S ABOUT IT. I THINK
I'VE

10 INDICATED PREVIOUS THAT I BELIEVE THAT IT WOULD
BE

11 DIFFICULT TO TRY TO DISTINGUISH BETWEEN AN
12 OPERATION THAT WAS OPERATING UNDER A 10-PERCENT
13 RESIDUAL OPPOSED TO ONE THAT WAS OPERATING AT
OVER

14 10 PERCENT, LET'S SAY FROM 9 TO 11. I WAS
HOPING

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15 THAT THE DATA WOULD SHOW THAT TODAY THE
16 MATERIALS -- THESE TYPES OF FACILITIES ARE
17 OPERATING MUCH LOWER, SO IT WOULD MAKE IT EASIER
ON
18 THE REGULATORY COMMUNITY TO GO OUT THERE AND TRY
19 AND DISTINGUISH, BUT I DON'T THINK IT HAS
CHANGED
20 MUCH OVER THE LAST TWO YEARS EXCEPT IF YOU WANT
TO
21 TAKE WHAT THE RAW DATA SHOWS, THAT I SHOWED IN
THE
22 FIRST GRAPH, WHICH I BELIEVE IS SOMEWHAT
ERRONEOUS.

23 THAT'S IT. DOES ANYBODY HAVE ANY
24 QUESTION?

25 CHAIRMAN FRAZEE: ARE YOU SUGGESTING BY
141

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1 THIS THAT THERE SHOULD BE SOME OTHER NUMBER
OTHER

2 THAN 10 PERCENT OR THAT WE SHOULD REGULATE
3 EVERYTHING?

4 MR. HANSON: I'M NOT SUGGESTING
ANYTHING.

5 I JUST BRING -- I'M JUST THE BEARER OF THE NEWS.

6 I'M NOT MAKING THE SUGGESTION. I THINK I MADE
THE

7 SUGGESTION MONTHS AGO AS TO HOW I THOUGHT THE
8 APPROACH SHOULD BE. THEN WE WOULDN'T HAVE TO
GET

9 INVOLVED IN TRYING TO SPLIT THE BABY.

10 I THINK IT'S GOING TO BE
DIFFICULT,

11 BUT I ALSO UNDERSTAND THAT THE BOARD'S POLICY
IS

12 PRETTY SET AND THAT WE'RE JUST GOING TO HAVE TO
13 FIGURE OUT SOME WAY IN WHICH TO LIVE WITH IT
AND

14 TRY TO DETERMINE. I THINK THAT THE BOARD
SHOULD

15 PROVIDE THE LEA'S WITH AS MUCH AUTHORITY AS

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THEY

16 POSSIBLY CAN IN THIS.

17 AND ONE OTHER THING, AS I RECALL,
THE

18 NONPERMITTED FACILITIES, THERE WAS ONLY TWO
CUP'S.

19 WE ASKED THAT QUESTION TOO. SO TWO OUT OF 31
HAD

20 CUP'S. SO HEARD SOME PEOPLE SAY, "WELL, THEY
COULD

21 BE RUN UNDER THE CONDITIONS OF A CUP." WELL,
THAT

22 WON'T OCCUR VERY OFTEN. THERE MAY BE OTHER
LOCAL

23 PERMITS SUCH AS IN THIS ONE JURISDICTION THAT

24 LOCALLY PERMITS EVERYTHING.

25 I JUST WOULD HOPE THAT THE BOARD
DOES

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1 GIVE THE LEA'S AS MUCH AUTHORITY AS THEY
POSSIBLY

2 CAN AND MAKE IT AS CLEAR AS THEY CAN BECAUSE IT
3 WILL BE DIFFICULT.

4 ONE FINAL OBSERVATION, AND THAT IS
5 THAT IF ONE CONSIDERS THAT THE 31 NONPERMITTED
6 SOURCE SEPARATED PROCESSORS REPRESENT 84 PERCENT
OF

7 THE POPULATION OF THE STATE, WELL, THEN THERE
8 AREN'T VERY MANY OF THEM THAT WE'LL HAVE TO DEAL
9 WITH. AND AGAIN, WE DIDN'T CONSIDER SINGLE
10 MATERIAL THAT -- I'VE HEARD MANY REPRESENTATIVES
OF

11 THAT INDUSTRY GET UP HERE AND SAY THAT, YOU
KNOW,

12 THEY WEREN'T SOLID WASTE. WELL, I DON'T KNOW.
WE

13 DIDN'T ADDRESS THOSE.

14 MEMBER RELIS: MR. CHAIR, I HAVE A
COUPLE

15 OF QUESTIONS. FIRST OBSERVATION, I THINK YOU'VE
16 CONCLUDED, AND I LOOK AT THE DATA AND IT TRACKS
17 PRETTY WELL WITH WHAT WE HAD DONE IN '95. AND

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I 'M

18 GLAD TO SEE THAT. I MEAN OBVIOUSLY I THINK
THAT

19 YOU INDEPENDENTLY QUESTIONED WHETHER -- WHETHER
WE

20 WERE ON TRACK THERE. AND THAT'S WHAT WE DREW
OUR

21 10 PERCENT -- WHERE WE DREW OUR 10-PERCENT
NUMBER

22 FROM. I REMEMBER THAT WHOLE DISCUSSION.

23 AND SO WHAT YOU ARE SAYING, IF I

24 FOLLOW YOU RIGHT, WELL, OKAY, EVEN SO, IT'S NOT

25 EASY TO SEE 10 PERCENT VERSUS 8 VERSUS 12. AND

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1 THAT REMAINS THE, IT SEEMS TO ME, THE
DISCUSSION

2 PART.

3 NOW, THOSE OF YOU WHO CAN'T SEE
4 RICHARD'S TIE, IT HAS A BIG QUESTION MARK ON IT
5 WHICH I'VE BEEN GLUED TO BECAUSE I THOUGHT HE
WAS

6 GOING TO FLIP IT OVER, AND THERE WOULD BE NO
7 QUESTION.

8 I MEAN YOU ARE SAYING YOU WOULD
LIKE

9 TO SEE US GIVE THE LEA'S AS MUCH AUTHORITY AS
WE
10 COULD TO DETERMINE WHETHER IT WAS SOMEWHERE
BETWEEN

11 8 AND 12.

12 MR. HANSON: RIGHT. RIGHT. AND I
REALIZE

13 THAT THE PURPOSE OF THE 10-PERCENT BRIGHT
LINE IS

14 TO IDENTIFY THOSE TYPES OF BUSINESSES THAT
ARE

15 OUTSIDE THE PURVIEW OF THE BOARD, THE

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AUTHORITY OF

16 THE BOARD. AND SO HOW WOULD YOU GIVE US THE
17 AUTHORITY TO ESSENTIALLY REGULATE THE
UNREGULATED,

18 TO GO IN THERE AND -- I THINK ONE OF THE
PROBLEMS

19 WITH SOME OF THE RAW DATA THAT WE RECEIVED
FROM THE

20 NONPERMITTED FACILITIES WAS THAT THEY WEREN'T
VERY

21 COOPERATIVE AND THEY WERE RELUCTANT TO GIVE
US GOOD

22 DATA. AND SO IT WAS DIFFICULT.

23 AND I THINK THAT WHEN -- IN
1995 WHEN

24 YOUR STAFF WENT TO MANY OF THESE FACILITIES,
THAT

25 THEY WENT THERE WITH A CLEAR UNDERSTANDING
THAT THE

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1 DATA THAT THEY OBTAINED WOULD NOT BE MADE
PUBLIC.

2 AND SO -- AND THEN IT WOULD ONLY BE
CONSIDERED AS A

3 GROUP AND NOT INDIVIDUALLY. SO THEY WERE --
I

4 THINK THE OPERATORS WERE MORE ACCEPTABLE OF
GIVING

5 THE CORRECT DATA OUT. AND THE FACT THAT THAT
GRAPH

6 OF THAT DATA TRACKS WELL WITH THE SAME TYPES
OF

7 OPERATIONS WITH -- FROM THE FACILITIES THAT
WE HAVE

8 COMFORT IN THE DATA, AT LEAST THAT INDICATES
TO ME

9 THAT THE VALIDITY OF THE DATA, EITHER IT'S A
BIG

10 COINCIDENCE OR THE VALIDITY OF THE DATA, BOTH
SETS,

11 WAS GOOD.

12 AND THE FACT THAT IT'S SO MUCH

13 DIFFERENT THAN THE NONPERMITTED DATA IN THE

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MAIN

14 DATABASE INDICATES THAT WE NEED GOOD
RECORDKEEPING

15 REQUIREMENTS ALSO.

16 MEMBER JONES: MR. CHAIRMAN, MAY I
ASK MR.

17 HANSON JUST TWO QUESTIONS? YOU HAD THE SITES
AND

18 YOU HAD THE PERCENTAGE. DID YOU HAVE THE
VOLUMES?

19 MR. HANSON: THE -- NOT SURE HOW
MUCH --

20 HOW MUCH WE'RE EXPECTED TO SEE AS FAR AS
TRANSFER

21 STATION, BUT IT WAS CLOSE TO 45,000 TONS A
DAY IN

22 THE TRANSFER STATIONS. AS FAR AS THE SOURCE

23 SEPARATED MATERIALS, CAN'T RECALL THE EXACT
AMOUNT,

24 BUT IT WAS SOMETHING LIKE 7,000 TONS A DAY.

25 BUT THE BOARD STAFF, THEY HAVE
THE

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1 DATA, AND THEY WOULD BE ABLE TO PROVIDE THAT.

I

2 JUST DIDN'T WRITE IT ALL DOWN.

3 MEMBER JONES: 7,000 TONS A DAY INTO

31

4 FACILITIES.

5 MR. HANSON: YES.

6 MEMBER JONES: BASICALLY.

7 MR. HANSON: RIGHT.

8 MEMBER JONES: RESIDUAL.

9 MY OTHER QUESTION WAS DO YOU

FEEL

10 LIKE YOU HAVE ACCESS NOW TO GO INTO THE
FACILITIES

11 IN L.A. COUNTY?

12 MR. HANSON: NONPERMITTED FACILITIES?

13 MEMBER JONES: YEAH.

14 MR. HANSON: NOT EASY ACCESS. I
SUPPOSE

15 IT COULD DEPEND ON THE REASON FOR ME BEING
THERE

16 WAS.

17 MEMBER JONES: BECAUSE I THOUGHT AT ONE
OF

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18 THE MEETINGS WE HAD TALKED ABOUT THE IDEA THAT

19 THESE ARE CONDITIONAL EXEMPTIONS. I MEAN

BASICALLY

20 IF YOU OPERATE UNDER 10 PERCENT, YOU ARE EXEMPT.

21 IF YOU OPERATE OVER 10 PERCENT, THEN, YOU KNOW,

22 THEN YOU ARE NOT. AND I THOUGHT WE HAD SPOKEN

TO

23 THE ISSUE THAT THE ONLY WAY THAT YOU CAN VERIFY

THE

24 EXEMPTION IS TO CHECK THE RECORDS. IS THAT --

DOES

25 ANYBODY RECALL THAT CONVERSATION? I DON'T EVEN

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1 REMEMBER IF WE HAD CONSENSUS, BUT I THOUGHT WE
DID.

2 AND I WORRY ABOUT THAT BECAUSE YOU
3 ARE SAYING YOU DON'T FEEL LIKE YOU HAVE ACCESS,
AND

4 IT'D BE KIND OF AMAZING IF YOU HAD TO GET A
COURT

5 ORDER TO GO IN AND SEE IF SOMEBODY, IN FACT, WAS
AT

6 9 PERCENT OR 12 PERCENT.

7 MR. HANSON: THAT MAY BE THE CASE
TODAY,

8 BUT PERHAPS WHEN THE REGULATIONS HAVE BEEN

9 PROMULGATED AND PEOPLE UNDERSTAND THE
SERIOUSNESS

10 OF IT AND THEY KNOW WHAT THE GROUND RULES ARE

11 INSTEAD OF SOME SORT OF ANTICIPATING WHAT THEY
MAY

12 BE, THAT MAYBE IT WILL CHANGE. I DON'T KNOW.
AT

13 THIS POINT HERE IT WOULD BE DIFFICULT TO GET IN

14 THERE AND GAIN A GOOD UNDERSTANDING OF WHAT
THEIR

15 MATERIAL VOLUMES ARE, INPUT OR RESIDUAL OR

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16 WHATEVER. AND EVEN -- WELL, THAT --

17 MR. BLOCK: IF I MAY, AS THE PERSON
18 WHO

19 HAS CLARIFIED THAT LEA'S WOULD HAVE THE
20 AUTHORITY

21 TO GO ONTO THE SITES IF THEY SUSPECTED THAT
22 THERE'S

23 A SOLID WASTE OPERATION OR FACILITY GOING ON, I
24 JUST WANTED TO ECHO WHAT RICHARD WAS SAYING,
25 THAT

26 REALLY IT DOES DEPEND ON WHY THEY'RE GOING
27 THERE.

28 AND THERE IS NO QUESTION THAT THEY WOULD HAVE
29 THE

30 AUTHORITY TO GO ONTO THOSE SITES TO LOOK AT THE
31 RECORDS IF THEY BELIEVE IT WAS A SOLID WASTE

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1 FACILITY OR OPERATION.

2 THE DIFFICULTY THAT MR. HANSON
HAS

3 ALLUDED TO IS THE FACT THAT YOU DON'T HAVE 10
4 PERCENT IN THE REGULATIONS RIGHT NOW, SO
THERE'S

5 NOT A REGULATION THAT HE'S GOING ON SITE TO
6 ENFORCE, AND IT'S A SURVEY CONTEXT AS OPPOSED
TO AN

7 ENFORCEMENT CONTEXT. AND SO IN THAT SITUATION
I

8 IMAGINE HE PROBABLY WOULD HAVE SOME DIFFICULTY
IF

9 THERE WAS SOMEBODY THAT DIDN'T WANT HIM ON SITE
10 NOW.

11 THAT WOULD CHANGE WITH THE 10
PERCENT

12 BEING PUT IN THE REGULATION. DOESN'T MEAN THAT
YOU

13 WOULDN'T HAVE -- I MEAN THERE'S A DIFFERENT
14 CONTEXT.

15 CHAIRMAN FRAZEE: OKAY. ANYTHING
ELSE?

16 THANK YOU. LET'S GO TO EVAN EDGAR.

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17 CHAIRMAN FRAZEE: HAD TO LEAVE.

18 MS. DELMATIER: I HAVE HIS PROXY.

19 CHAIRMAN FRAZEE: DENISE, YOU ARE UP
NEXT.

20 MS. DELMATIER: GOOD AFTERNOON. MY
NAME

21 IS DENISE DELMATIER OF THE GUALCO GROUP ON
BEHALF

22 OF NORCAL WASTE SYSTEMS.

23 OBVIOUSLY THIS HAS BEEN A VERY

24 CONTENTIOUS ISSUE THAT THE BOARD HAS BEEN
GRAPPLING

25 WITH FOR MANY YEARS. IT'S BEEN ONE THAT WAS

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1 DIFFICULT TO NEGOTIATE WHEN WE ACTUALLY
NEGOTIATED

2 AB 939, AND SO IT'S NOT SURPRISING, THEN, I
THINK,

3 THAT IT IS AN ISSUE THAT IS NOT EASILY
RESOLVED.

4 WE DO APPRECIATE STAFF'S EFFORTS
IN

5 TRYING TO PULL TOGETHER AND PROVIDE CONSENSUS
ON

6 THIS VERY DIFFICULT ISSUE. STAFF HAS MADE A
7 VALIANT EFFORT IN TRYING TO BRING THE DISPARATE
8 PARTIES TOGETHER IN ADDRESSING THIS ISSUE.

HOWEVER

9 AND UNFORTUNATELY, THERE IS NO CONSENSUS ON THIS
10 ISSUE.

11 AND AS A RESULT OF THAT, WE MUST
12 ADVISE THE MEMBERS OF THIS COMMITTEE, AS WELL
AS

13 THE BOARD MEMBERS AND STAFF, THAT WE MUST
OPPOSE

14 THIS REGULATORY PACKAGE AS PROPOSED TODAY WITH
THE

15 DEFINITION OF SEPARATED FOR REUSE IN THE PACKAGE

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AS

16 STAFF HAS RECOMMENDED.

17 IF WE LOOK AT THE DEFINITION AS
18 PROPOSED BY STAFF, WE HAVE TO REMIND OURSELVES
19 THAT

19 THIS DEFINITION IS ESSENTIALLY THE WHEREWITHAL BY
20 WHICH THE PACKAGE IS PUT FORTH AS FAR AS WHO IS
21 IN

21 AND WHO IS OUTSIDE THE BOARD'S AUTHORITY FOR
22 PURPOSES OF REGULATION.

23 ESSENTIALLY WHAT WE'VE DONE, AND AS
24 I'VE TESTIFIED BEFORE, WE'VE DEFINED THE
25 EXCLUSION

25 OF THE BOARD'S AUTHORITY IN PUBLIC RESOURCES
CODE,

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1 NO. 2 THERE, A FACILITY WHOSE PRINCIPAL FUNCTION
--
2 PRINCIPAL FUNCTION ESSENTIALLY WAS DEFINED AS 10
3 PERCENT -- TO RECEIVE, STORE, OR CONVERT OR
4 OTHERWISE PROCESS WASTES WHICH HAVE ALREADY BEEN
5 SEPARATED FOR REUSE.

6 NOW, THE TERM "SEPARATED FOR REUSE"
7 IS THE ONLY TERM THAT'S UTILIZED IN THE
STATUTES.

8 SOURCE SEPARATED IS NOT UTILIZED IN THE
STATUTES,

9 AND SO WE MUST CONSTRAIN OURSELVES TO THE
STATUTORY

10 LANGUAGE. THEREFORE, SEPARATED FOR REUSE
BECOMES

11 THE CRITICAL DEFINITION.

12 AS MR. HANSON JUST TESTIFIED, THE
13 10-PERCENT NUMBER, THE FIRST PART OF THE TWO-
PART

14 TEST IS DIFFICULT TO VERIFY MINUS THE
REGULATORY

15 PACKAGE. THAT, IN ESSENCE, I THINK, BRINGS
EVEN

16 FURTHER CREDENCE TO THE FACT THAT THE SECOND

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PART

17 OF THE TWO-PART TEST, DEFINING SEPARATED FOR
REUSE,

18 BECOMES EVEN MORE CRITICAL WHEN WE LOOK AT
THOSE

19 NUMBERS IN ACTUALITY, THE REPORTING VALIDITY OF
THE

20 NUMBERS THAT MR. HANSON JUST BROUGHT TO OUR
21 ATTENTION.

22 OBVIOUSLY THERE'S DISAGREEMENT ON
23 WHAT THOSE TERMS MEAN. AND I HAVE PREVIOUSLY
TRIED

24 TO PROVIDE PROPOSALS TO THE DISPARATE PARTIES
THAT

25 HAVE UTILIZED LANGUAGE THAT ARE IN EXISTING

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1 STATUTE, AND SPECIFICALLY LANGUAGE THAT HAS
BEEN

2 LIFTED DIRECTLY FROM THE DEFINITION OF
RECYCLING.

3 THAT WAS A PREVIOUS PROPOSAL THAT WE HAVE
BROUGHT

4 FORWARD.

5 THE PARTIES WHO HAVE NOT AGREED
WITH

6 THE DEFINITION THAT WE PUT FORWARD, WE DECIDED
TO

7 GO BACK AND SAY, "OKAY. WELL, IF WE CAN'T AGREE
TO

8 EXISTING STATUTORY LANGUAGE, THEN LET'S LOOK AT
A

9 PLAIN READING OF THE STATUTE AND LET'S DEFINE
THE

10 STATUTES IN READILY ACCEPTABLE FASHION." SO
WE

11 WENT TO AMERICAN HERITAGE DICTIONARY AND HAVE

12 BROUGHT FORWARD SOME DEFINITIONS FROM
AMERICAN

13 HERITAGE DICTIONARY. NOW, WE'RE NOT TIED

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TO

14 AMERICAN HERITAGE, AND WEBSTER'S IS FINE OR
OXFORD

15 ENGLISH IS FINE, BUT A PLAIN READING, A SIMPLE
16 INTERPRETATION IN A READILY ACCEPTABLE FASHION
IS

17 WHAT WE'RE AFTER HERE.

18 SO WE'RE NOT TIED TO THESE EXACT
19 TERMS FROM AMERICAN HERITAGE, BUT SOMETHING
20 SIMILAR, SOMETHING THAT IS READILY ACCEPTABLE
IN

21 THE PUBLIC SECTOR.

22 OBVIOUSLY WHEN WE'RE DEFINING
THREE

23 WORDS, SEPARATED FOR REUSE, I HAVE PROVIDED THE
24 DEFINITION FOR SEPARATED: TO SET OR KEEP APART,
25 DIVIDE, DISUNITE, SPACE APART, TO SORT. I
THINK

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1 THAT'S A TERM WE CAN ALL AGREE TO.

2 THEN IT BECOMES INCUMBENT TO
DEFINE

3 THE REST OF THE EQUATION, REUSE. WHAT DOES
REUSE

4 MEAN? I PROVIDED THE DEFINITION OF THE PREFIX
RE,

5 TO RESTORE TO A PREVIOUS CONDITION OR POSITION,
AND

6 THE DEFINITION OF THE NOUN USE, THE ACT OF USING
IN

7 THE APPLICATION OR EMPLOYMENT OF SOMETHING FOR
SOME

8 PURPOSE.

9 SO I'VE INCORPORATED, THEN, IN A

10 PROPOSED DEFINITION OF SEPARATED FOR REUSE
THE

11 COMPLETE EQUATION, WHICH INCLUDES LANGUAGE
THAT

12 DESCRIBES THE TERM "SEPARATED" AS WELL AS
LANGUAGE

13 THAT DESCRIBES THE SECOND PART OF THE EQUATION,
14 REUSE.

15 IF YOU LOOK AT THE STAFF'S

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PROPOSAL

16 FOR A DEFINITION OF SEPARATED FOR REUSE, YOU
CAN

17 SEE -- YOU CAN SEE THAT WE HAVE A TERM THAT
FIRST

18 DESCRIBES THE SUBJECT OF WHAT WE'RE TALKING
ABOUT.

19 RECYCLABLES SEPARATED FOR REUSE ARE MATERIALS
20 INCLUDING COMMINGLED RECYCLABLES. THAT
DESCRIBES

21 THE SUBJECT OF WHAT WE'RE REFERRING TO.

22 THE NEXT LANGUAGE DESCRIBES THAT
HAVE

23 BEEN SEPARATED OR KEPT SEPARATE FROM THE SOLID
24 WASTESTREAM BY THEIR OWNERS, AND I UNDERSTAND
STAFF

25 IS PROPOSING TO REMOVE THE LANGUAGE BY THEIR
OWNER,

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1 AND THAT'S FINE WITH US, BUT THAT NEXT CLAUSE
2 DESCRIBES THE ACTION, SEPARATED. THAT'S FINE
WITH

3 US.

4 HOWEVER, THE STAFF PROPOSAL DOES
NOT

5 DEFINE REUSE. AND INSTEAD OF DEFINING THE
SECOND

6 HALF OF THE EQUATION, REUSE, WE SIMPLY RESTATE
7 REDUNDANTLY THE TERM OF WHICH WE ARE PURPORTING
TO

8 DEFINE. SO WE HAVEN'T DEFINED ANYTHING IN THIS
9 DEFINITION BUT SEPARATION. SO THAT'S WHY WE'RE
10 PROPOSING A DEFINITION THAT INCLUDES LANGUAGE
WHICH

11 DESCRIBES BOTH SEPARATION AND REUSE.

12 NOW, WE BELIEVE THAT A PLAIN
READING

13 AND A PLAIN, SIMPLISTIC DEFINITION FOR THIS
TERM IS

14 ABSOLUTELY CRITICAL AND ABSOLUTELY INCUMBENT
UPON

15 THE BOARD TO PURSUE IN THIS REGULATORY PACKAGE.

16 AND AGAIN, WE FEEL THAT THE LANGUAGE THAT IS IN

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THE

17 STATUTE IS CONSTRAINING AND CONTROLLING.

18 I'D LIKE TO PASS OUT AT THIS TIME

19 SOME LANGUAGE THAT I'VE LIFTED FROM THE
GOVERNMENT

20 CODE FOR PURPOSES OF OUR OPPOSITION TO THIS

21 PACKAGE. THE BOARD IN ADOPTING REGULATIONS IS

22 CONSTRAINED BY EXISTING GOVERNMENT CODE

SECTIONS AS

23 FAR AS PROMULGATING REGULATIONS, AND I HAVE
LIFTED

24 LANGUAGE FROM THE GOVERNMENT CODE FROM THE

25 ADMINISTRATIVE PROCEDURE ACT THAT DEFINES SOME
OF

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1 THOSE LIMITATIONS.

2 THE FIRST GOVERNMENT CODE SECTION

3 WHICH I PROVIDED FOR YOU BASICALLY SAYS THAT

WHEN

4 ADOPTING REGULATIONS, AND I'LL JUST SUMMARIZE

THE

5 FIRST CLAUSE, THAT NO REGULATION ADOPTED IS

VALID

6 OR EFFECTIVE UNLESS CONSISTENT AND NOT IN

CONFLICT

7 WITH STATUTE. I PROVIDED THE STATUTE FOR YOU.

THE

8 STATUTE USES THE TERM "SEPARATED FOR REUSE."

THE

9 STAFF PROPOSAL DOES NOT DEFINE REUSE. IT

DEFINES

10 SEPARATION. THEREFORE, WE CONCLUDE THAT THE

11 PROPOSED STAFF PROPOSAL IS INCONSISTENT WITH

THE

12 STATUTE.

13 I'VE ALSO PROVIDED DEFINITION OF

14 CONSISTENCY, WHICH MEANS, AND AGAIN FROM THE

15 ADMINISTRATIVE PROCEDURES ACT, WHICH MEANS BEING

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IN

16 HARMONY WITH AND NOT IN CONFLICT OR
CONTRADICTORY

17 TO EXISTING STATUTES, ETC. WE CONCLUDE, AGAIN,
18 THAT THE STAFF PROPOSAL, WHICH ONLY DEFINES
19 SEPARATION AND NOT REUSE, IS NOT CONSISTENT WITH
20 EXISTING STATUTE.

21 AND FINALLY, I PROVIDED FOR YOU
ONE

22 OF THE STANDARDS THAT IS INCUMBENT UPON THE
BOARD

23 IN ADOPTING REGULATIONS, TO ESTABLISH CLARITY.
IN

24 SECTION 16 OF THE REGULATIONS OF THE
ADMINISTRATIVE

25 PROCEDURES ACT, IF YOU LOOK AT NO. A, A
REGULATION

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1 SHALL BE PRESUMED NOT TO COMPLY WITH THE CLARITY
2 STANDARD IF ANY OF THE FOLLOWING CONDITIONS
EXIST:

3 THE REGULATION CAN ON ITS FACE BE REASONABLY AND
4 LOGICALLY INTERPRETED TO HAVE MORE THAN ONE
MEANING

5 AND VARYING INTERPRETATIONS.

6 OBVIOUSLY WE HAVE DIFFERENCE OF
7 OPINION AS TO WHAT THE TERM "REUSE" MEANS,
SUBJECT

8 TO WIDELY VARYING INTERPRETATIONS AND MORE THAN
ONE

9 MEANING. AND SO THIS, AGAIN, WOULD NOT BE --
WOULD

10 NOT COMPLY WITH THE CLARITY STANDARD AS PROVIDED
BY

11 GOVERNMENT CODE SECTIONS AND THEIR REGULATIONS.

12 AND FINALLY, THAT THE REGULATION
USES

13 LANGUAGE INCORRECTLY. IF ANY OF THOSE THINGS

14 APPLY, THEN WE CONCLUDE THAT THE PROPOSAL IS NOT
IN

15 COMPLIANCE WITH THE ADMINISTRATIVE PROCEDURES
ACT.

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16 WE ARE NOT AGAIN TIED TO THE
LANGUAGE

17 THAT IS HERE BEFORE YOU AS FAR AS THE AMERICAN
18 HERITAGE DICTIONARY, BUT WE ARE TIED TO A
19 DEFINITION, AND WOULD URGE THE BOARD TO ADOPT A
20 DEFINITION THAT DEFINES SEPARATED FOR REUSE.

WE

21 CANNOT ACCEPT A DEFINITION THAT MERELY
DEFINES

22 SEPARATION AND THEN PURPORTS TO DEFINE THE
COMPLETE

23 TERM "SEPARATED FOR REUSE" BY ONLY DESCRIBING THE
24 ACTIVITY OF SEPARATION.

25 AS MR. HUFF USED TO SAY ON SEVERAL

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1 OCCASIONS, THIS IS NOT A PROPOSAL THAT IS FULLY
2 BAKED. THIS IS A PROPOSAL THAT IS ONLY HALF
BAKED.

3 THIS IS HALF A LOAF. WE ONLY HAVE A DEFINITION
OF
4 SEPARATION.

5 WE WOULD URGE THE BOARD TO TAKE
THIS

6 BACK, HAVE STAFF WORK FURTHER ON THE LANGUAGE
THAT

7 INCLUDES A DEFINITION, AND WORK WITH THE
PARTIES

8 THAT INCLUDES A DEFINITION OF THE COMPLETE TERM
9 "SEPARATION FOR REUSE."

10 IN CONCLUDING, I'D LIKE TO ADD
THAT

11 UNFORTUNATELY MR. EVAN EDGAR ON BEHALF OF
12 CALIFORNIA REFUSE REMOVAL COUNCIL HAD TO LEAVE
13 PRIOR TO THE MOMENT THAT THE PUBLIC WAS ALLOWED
TO

14 SPEAK ON THIS ITEM, AND HE HAS ASKED ME TO LEND
HIS

15 STRONG SUPPORT ON BEHALF OF CRRC TO THE PROPOSAL
16 THAT I HAVE PROVIDED TO YOU THIS AFTERNOON.

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17 AND THEN FINALLY, ALSO WOULD LIKE
TO

18 CONCUR WITH MR. HANSON'S RECOMMENDATIONS, THAT
19 STRONG LANGUAGE BE INCORPORATED THAT CLEARLY
20 DEFINES THE LEA'S INSPECTION AUTHORITY. I'D BE
21 HAPPY TO ANSWER ANY QUESTIONS.

22 MEMBER RELIS: MR. CHAIR, I THINK WE'VE
--

23 MS. DELMATIER HAS RAISED A FUNDAMENTAL, I GUESS I
24 WOULD CALL IT, CHALLENGE TO THE LEGAL GROUND
THAT

25 WE'RE -- WE HAVE HERE IN OUR LANGUAGE, BOTH
IN

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1 TERMS OF THE VALIDITY OF THE REGULATION AND
THE

2 CLARITY TEST. AND I WONDERED, ELLIOT, YOU
HAVE

3 ANYTHING TO SAY, I HOPE, AT THIS POINT?

4 MR. BLOCK: SURE. WITH ALL DUE
RESPECT,

5 IT'S UNFORTUNATE THAT THIS DISCUSSION IS
APPEARING

6 TO GO DOWN THE AVENUE OF LEGAL AUTHORITY VERSUS
7 WHETHER THE REGULATION IS WRITTEN IN A WAY
THAT

8 MAKES THE MOST SENSE. I DISAGREE. I THINK
THAT

9 THAT REGULATION AS WRITTEN IS NOT
INCONSISTENT WITH

10 THE STATUTE. THERE IS NO REQUIREMENT THAT,
IN

11 FACT, YOU HAVE TO DEFINE EVERY TERM FOR A
12 REGULATION TO BE CONSISTENT. IT'S JUST THAT
IT

13 CANNOT CONTRADICT THE STATUTORY PROVISION.

14 LIKEWISE, THERE IS NO

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REQUIREMENT

15 THAT THE REGULATION BE WRITTEN IN A WAY THAT
ITS

16 APPLICATION IN ANY PARTICULAR SITUATION IS

17 PREDICTABLE IN THE ABSTRACT. IN OTHER
WORDS,

18 THERE'S ALWAYS A LEVEL OF CASE-BY-CASE
APPLICATION

19 OF A PARTICULAR TERM.

20 HOWEVER, HAVING SAID THAT,
THERE ALSO

21 IS NO QUESTION THAT THE BOARD HAS WITHIN ITS

22 DISCRETION THE ABILITY TO LOOK AT THE
LANGUAGE AND

23 DECIDE IF THERE'S A WAY TO WRITE IT A LITTLE

24 DIFFERENTLY, IF THERE'S A WAY TO ADD SOME
LANGUAGE

25 THAT PROVIDES SOME ADDITIONAL, WHETHER YOU
USE THE

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1 TERM "CLARITY" OR "COMFORT," THAT IS
CERTAINLY

2 WITHIN THE BOARD'S JURISDICTION TO DO. AND
IF

3 THERE'S A FEELING THAT YOU WANT TO GO THAT
WAY,

4 THAT'S OKAY.

5 I DON'T BELIEVE THAT THE
REGULATION

6 AS WRITTEN IS -- VIOLATES THE APA REQUIREMENT
AND

7 DOESN'T MEAN THAT YOU CAN'T ADD TO IT OR MODIFY
IT

8 IN SOME SENSE. I'M SURE THAT THERE'S SOME FOLKS
IN

9 THE AUDIENCE THAT WILL PROBABLY TALK ABOUT
WHETHER,

10 IN FACT, IT'S UNDERSTANDABLE.

11 ONE OTHER THING I SHOULD MENTION,
IN

12 TERMS OF THE USE OF THE -- NO DEFINITION OF THE

13 TERM "REUSE" -- BY THE WAY, THE STAFF VERSION
TALKS

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14 ABOUT SEPARATED OR KEPT SEPARATE FROM SOLID
15 WASTESTREAM FOR THE PURPOSE OF RECYCLING OR
REUSE.

16 I WOULD NOTE THAT THE PROPOSED DEFINITION
DOESN'T

17 MENTION RECYCLING. I'M NOT SURE IF THAT WAS AN
18 OVERSIGHT OR NOT. AND RECYCLING, YOU DEFINE IN
THE

19 PRC, SO WE DIDN'T SEPARATELY DEFINE THAT.
ACTUALLY

20 WITHIN THE DEFINITION OF RECYCLING IN THE PRC,
IT

21 USES THE TERM "REUSE.

22 " I THINK THAT FROM STAFF'S POINT
OF

23 VIEW WE PROBABLY DIDN'T THINK OF AND THE BOARD
24 DIDN'T THINK A COUPLE YEARS AGO WHEN THEY WERE
25 LOOKING AT THIS DEFINITION OF THE NECESSITY OF

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1 DEFINING REUSE. IN A SENSE IT'S ONE OF THE
2 DEFINING THE OBVIOUS KIND OF ISSUES.
3 NOW, WHAT MS. DELMATIER HAS RAISED
IS
4 IS, IN FACT, REUSE OBVIOUS. FROM, I THINK,
STAFF'S
5 POINT OF VIEW, IT WAS, WELL, IF IT'S BEING USED,
6 HOW DO YOU DEFINE BEING USED OTHER THAN AS LONG
AS
7 IT'S NOT BEING DISPOSED, IF SOMETHING ELSE IS
BEING
8 DONE WITH IT.
9 IF THE COMMITTEE AND THE BOARD
DECIDE
10 THAT THEY WANT TO ADD SOME FURTHER CLARITY TO
WHAT
11 REUSE MEANS, CERTAINLY CAN DO SO. ON THE OTHER
12 HAND, I THINK REUSE, SINCE IT IS SUCH A STANDARD
13 TERM, I DON'T BELIEVE THAT THIS REGULATION WOULD
BE
14 IN VIOLATION OF THE APA STANDARDS IF THAT TERM
15 WASN'T FURTHER DEFINED.
16 MEMBER RELIS: WELL, I'M GLAD YOU

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17 ELABORATED ON THAT BECAUSE, FRANKLY, YOU KNOW,
18 HARKENING BACK TO THOSE DISCUSSIONS, I DON'T
THINK

19 WE DID THAT BECAUSE -- AND YOU THINK ABOUT,
WELL,

20 RECYCLING. WHAT'S THE DEFINITION OF RECYCLING?
21 RETURNING TO THE ECONOMIC MAINSTREAM. WHAT'S
THAT?

22 WELL, THAT'S A UNIVERSE.

23 I MEAN DOES THE BOARD WANT TO BE IN
24 THE POSITION OF NARROWING DOWN AND DEFINING
EVERY

25 ECONOMIC USE IN THE ECONOMIC MAINSTREAM,
JUST

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1 SEGMENTING ALL THOSE? I MEAN THAT WOULD BE
2 BEWILDERING TO US, I THINK TO THE LEA'S.
WOULD
3 THEY BE ASKED TO DECIDE WHETHER WHAT THEY
WERE
4 SEEING, THAT THEY COULD -- THEY COULD DRAW A
DIRECT
5 LINE TO A SPECIFIC PRODUCT STREAM, ONE PRODUCT,
50
6 PRODUCTS.
7 THEN WE'D BE RIGHT IN MAKING
8 MANUFACTURING DECISIONS IT SEEMS TO ME, OR WE
WOULD
9 BE -- WE'D BE CARRYING OUR -- WHATEVER DOUBT
THERE
10 WAS, WE'D BE PLACING THE BURDEN ON THE
ENFORCEMENT
11 APPARATUS TO ASSURE US THAT THINGS WERE BEING
12 MANUFACTURED.
13 I DON'T FEEL COMFORTABLE DOING
THAT.
14 I DON'T KNOW HOW OTHERS FEEL, BUT THAT REALLY
15 SCARES ME FROM A REGULATORY STANDPOINT. IF WE

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WERE

16 TO DEFINE -- GET INTO SUCH FINE DEFINITION
BECAUSE

17 I THINK THE LEGISLATURE WAS CLEAR WHEN THEY USED
18 THE TERM IN THE LAW RECYCLING MEANT RETURNING
TO
19 THE ECONOMIC MAINSTREAM. IT DIDN'T ELABORATE
ON

20 WHAT ECONOMIC MAINSTREAM IS. AND IF THEY HAD
21 DOUBTS ABOUT THAT, THEY WOULD HAVE DEFINED IT.

22 SO I GUESS I'M NOT PERSUADED THAT
WE

23 SHOULD -- WE SHOULD GO DOWN THAT PATH. I WASN'T
24 PERSUADED THEN AND I'M NOT PERSUADED NOW.

25 MEMBER JONES: I HAVE A QUESTION, MR.

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1 RELIS. YOU ARE TALKING ABOUT ECONOMIC
MAINSTREAM.

2 THAT'S NOT THE TERM THAT'S BEING QUESTIONED
RIGHT

3 NOW. TERM THAT'S BEING QUESTIONED IS REUSE AND
4 WHAT IS THE DEFINITION OF REUSE. AND, IN FACT,
IF

5 WE DON'T DEFINE IT, ARE WE LEAVING A LOOPHOLE
BIG

6 ENOUGH TO DRIVE A TRANSFER TRAILER THROUGH?
THAT'S

7 THE QUESTION.

8 YOU KNOW, I'M AMAZED THAT A SIMPLE
9 WORD LIKE REUSE CAN CREATE AN ENTIRE
UNREGULATED

10 SOLID WASTE INDUSTRY THAT DOESN'T HAVE TO MEET
THE

11 REQUIREMENTS THAT ANY OF THE OTHER SOLID WASTE
12 INDUSTRIES DO JUST BY THE SIMPLE TERM "REUSE"
13 BECAUSE THIS DEFINITION SAYS FOR THE PURPOSE
OF

14 RECYCLING OR REUSE. WHOSE INTENT? WHOSE
PURPOSE?

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15 MS. DELMATIER: MR. RELIS, YOU MAY BE
16 REFERRING TO THE PREVIOUS PROPOSAL WHICH
17 INCLUDED
18 THE DEFINITION OF RECYCLING. WHAT I'M
19 OFFERING
20 TODAY IS A SIMPLE DEFINITION OF REUSE, NOT
21 RETURNING TO THE ECONOMIC MAINSTREAM. THAT'S
22 BEEN
23 WITHDRAWN.
24 MEMBER RELIS: WHY DON'T YOU REVIEW
25 THAT,
26 BUT BEFORE WE DO THAT, COULD I ASK MR. JONES A
27 QUESTION. AND THIS IS A QUESTION PARTLY WHAT
28 ASSUMPTIONS ARE WE BASING THIS CONCERN ON?
29 THERE'S
30 AN ASSERTION THAT THERE IS AN UNREGULATED
31 ACTIVITY

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1 GOING ON THAT IS -- THAT WE ARE -- WE'RE HAVING
2 OPERATIONS UNDER THE GUISE -- THAT ARE REALLY
3 OPERATING OVER 10 PERCENT, AND WE DON'T KNOW
WHERE
4 THEY ARE, WHAT THEY'RE DOING, AND WHY THEY'RE
DOING
5 IT.

6 NOW, I'VE HEARD THAT ASSERTION
MADE A
7 NUMBER OF TIMES. I HAVE YET TO SEE -- WE HAVE
HAD
8 THAT ONE CASE IN SAN FRANCISCO WHERE WE'VE SEEN
A
9 PICTURE OF OBVIOUSLY A GROSS VIOLATION. BUT
I'M
10 NOT AWARE OF -- YOU KNOW, I'VE SEEN FLIERS OR
11 FLIERS ARE REFERRED TO THAT SOMEBODY IS
TAKING, A
12 PAPER COMPANY, I THINK, IS TAKING MATERIAL
THAT
13 ISN'T PAPER AND PROCESSING IT.

14 NOW, YOU KNOW, I THINK SHORT OF
15 CALLING UP THE PARTIES WHO HAVE BEEN REFERRED TO

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IN

16 THAT AND GETTING TESTIMONY FROM THEM THAT
THEY'RE

17 NOT, YOU KNOW, WE COULD GO DOWN THAT DIRECTION
AS

18 TO SATISFY OR, YOU KNOW, ARE YOU OR HAVE YOU
EVER.

19 MEMBER JONES: I DON'T THINK THAT'S THE
20 ISSUE. I THOUGHT THE ISSUE WAS 10 PERCENT
21 RESIDUAL, THE TWO-PART TEST. YOU KNOW, WE HAVE
A

22 TWO-PART TEST. SO FORGET ABOUT THE IDEA THAT --
23 AND IT'S NOT JUST OUR MOBILE DEBRIS THAT WE ARE
24 SPENDING \$300,000 OR \$500,000 OF STATE MONEY TO
25 CLEAN UP AN ILLEGAL LANDFILL IN THE MIDDLE OF
SAN

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1 FRANCISCO THAT OPERATED AS A RECYCLING FACILITY
AND
2 WHOSE PICTURE WAS SHOWN TODAY FROM SOMEBODY ELSE
ON
3 ANOTHER ISSUE.

4 YOU HAD L & K DEBRIS BOX THAT
5 OPERATED IN SAN FRANCISCO WITHOUT A MRF, WITHOUT
6 ANY TYPE OF THING, AND THEY HAULED THREE TO
FIVE

7 TRANSFER LOADS A DAY TO THE ALTAMONT OR TO
BASCO

8 ROAD. YOU'VE GOT BERRY STREET MALL THAT WE
HAVE

9 THE ADVERTISEMENT THAT SAYS THEY TAKE
EVERYTHING

10 EXCEPT HAZARDOUS WASTE. TO ME THAT'S AN
ADVERTISE-

11 MENT FOR OPENING A TRANSFER STATION UNDER THE
GUISE

12 OF A RECYCLING CENTER.

13 AND ALL I'M SAYING IS I DON'T CARE
14 ABOUT IF THE WEYERHAEUSERS, ALL THESE PEOPLE
15 OPERATE UNDER THE 10 PERCENT. I DON'T HAVE A

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16 PROBLEM WITH THAT. WHAT I WANT TO KNOW IS
WHAT'S

17 THE DEFINITION OF REUSE? IF WE CAN'T DEFINE
WHAT

18 REUSE IS AND WE CAN'T DEFINE PURPOSE, I HAVE A
19 QUESTION ON SEPARATED FOR REUSE WHERE IT SAYS
FOR

20 THE PURPOSE. DOES THAT MEAN INTENT OF THE
21 GENERATOR? IS THAT THE INTENT OF THE
GENERATOR,

22 THAT HE WOULD HOPE THAT EVERYTHING IN HIS
GARBAGE

23 BIN COULD BE RECYCLED? DOES THAT FALL INTO
THE

24 CATEGORY THAT IT'S OKAY TO GO TO RECYCLING
CENTER

25 BECAUSE THE INTENT OF THE GENERATOR WAS THAT
HE

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1 HOPED THAT EVERYTHING COULD BE RECYCLED.
2 IF THAT'S THE CASE, WE DON'T
NEED ANY
3 TRANSFER STATION REGS IN THE STATE.
EVERYTHING
4 COULD BE SOURCE SEPARATED BECAUSE THE INTENT
OF THE
5 GENERATOR.
6 I THINK THAT THE TERM "REUSE,"
JUST
7 DEFINE REUSE. TELL US WHAT REUSE IS. BECAUSE
I
8 AGREE, AND AS AN OPERATOR WHO PLAYED ON THAT -
- WHO
9 HAD TO DEAL IN THAT UNFAIR SYSTEM, I HAVE
QUESTIONS
10 THAT MAY NOT BE THE SAME AS EVERYBODY ELSE'S
11 BECAUSE I HAD TO COMPETE AGAINST THEM.
12 I SAT IN THIS ROOM AND HEARD
SOMEBODY
13 SAY IT'S THE INTENT OF THE GENERATOR AS TO
WHETHER
14 OR NOT IT'S RECYCLABLE OR NOT.

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15 MS. DELMATIER: I APPRECIATE MR.
BLOCK'S
16 COMMENTS AS FAR AS, IN HIS OPINION, IT'S THIS
--
17 THE ADDITION OF THIS LANGUAGE IS NOT REQUIRED.
I'M
18 OFFERING THIS LANGUAGE BECAUSE THERE IS LARGE
19 DISAGREEMENT AMONG THE AFFECTED PARTIES THAT,
AS
20 DEFINED ALSO IN THE APA, ANY AFFECTED PARTY
HAS AN
21 INTEREST AND HAS STANDING BEFORE APA AND OAL,
AND
22 THERE IS WIDE DISAGREEMENT AMONG THE AFFECTED
23 PARTIES AS FAR AS THE INTERPRETATION OF THAT
TERM.
24 AND YOU WILL HEAR FROM THE OPPOSITION THAT
THEY ARE
25 STRONGLY OPPOSED TO USING ANY SORT OF
DEFINITION OF

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1 THE TERM "REUSE." THEY WANT A DEFINITION THAT
2 DEFINES SEPARATION, AND THEY'RE OPPOSED TO
EVEN A
3 PLAIN READING OF THE TERM "REUSE."
4 FOR THOSE REASONS, WE NEED TO
ADD
5 CLARITY TO THIS PROPOSED STAFF DEFINITION THAT
6 PROVIDES GUIDANCE IN THE REGULATED COMMUNITY
WHAT
7 IT IS WE'RE TALKING ABOUT. WHO'S IN AND WHO'S
OUT,
8 AND, EVERYBODY, LET'S PLAY BY THE SAME RULES AND
9 THE SAME REGULATIONS.
10 SO I WOULD OFFER THAT DEFINING
REUSE
11 IN A GENERALLY ACCEPTED FASHION THAT IS NOT
12 SPECIFIC TO ANY PROPOSED OR EXISTING STATUTORY
13 LANGUAGE, BUT MERELY DEFINES REUSE IN A
GENERAL
14 FASHION WOULD BE APPROPRIATE. AND I'LL LET,
YOU
15 KNOW, THE FOLKS COME UP AND TELL YOU WHY THEY
THINK

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16 GENERALLY DEFINING REUSE IS SO ONEROUS. BUT I
ALSO

17 HEARD MR. BLOCK SAY THAT THAT WOULD NOT BE
18 PRECLUDED BY THE MEMBERS OF THIS COMMITTEE TO
19 PROVIDE CLARITY TO THE TERM "REUSE." THAT'S
WHAT

20 WE'RE DEFINING HERE.

21 I'VE BEEN UP HERE ENOUGH UNLESS
THERE

22 ARE ANY OTHER QUESTIONS. MR. SWEETSER WILL
23 CONCLUDE NORCAL'S TESTIMONY ON THIS SUBJECT.

24 CHAIRMAN FRAZEE: OKAY.

25 MR. SWEETSER: GOOD AFTERNOON,
COMMITTEE

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1 MEMBERS. LARRY SWEETSER, DIRECTOR OF REGULATORY
2 AFFAIRS, NORCAL WASTE SYSTEMS. AND DENISE LAID
OUT

3 THE FRONT END AND TECHNICAL APPROACH, AND I'M
GOING

4 TO TRY AND LAY OUT THE BACK END AND THE
PRACTICAL

5 IMPLICATIONS, AS WELL AS TRY TO BRING IT BACK
6 TOGETHER.

7 IT'S -- A LOT OF THIS, I THINK,
HAS

8 BEEN MADE TOO HARD, THAT WE CAN MEASURE -- WE'RE
9 NOT QUESTIONING THE 10-PERCENT NUMBER AT THIS
10 POINT. WE ADVOCATED FOR LOWER NUMBERS. WE
THINK

11 THAT NUMBER IS OUT THERE. WE THINK IT'S
12 ENFORCEABLE. WE CAN PROVE IT. I'VE PROVIDED
13 INFORMATION IN THE SURVEY ON OUR FACILITIES TO
MR.

14 HANSON, NOT ONLY THE ONES THAT ARE ABOVE 10
15 PERCENT, BUT THE ONES THAT ARE BELOW 10 PERCENT.

16 IT'S AN EASY THING TO DO. ANYBODY THAT CAN'T
PROVE

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17 A 10-PERCENT RESIDUAL NUMBER IS TRYING TO HIDE
18 INFORMATION OR SHOULDN'T BE IN BUSINESS
19 BECAUSE
20 THEY'RE DOING SOMETHING ELSE WITH IT. SO
21 THE
22 10-PERCENT NUMBER IS NOT A PROBLEM AT THIS POINT
23 PROVIDED WE CAN FIGURE OUT WHAT THAT 10 PERCENT
24 IS
25 AND WHAT IT'S MADE UP OF.
26 WE WRESTLED WITH SOURCE
27 SEPARATION.
28 WE CAN'T FIGURE OUT WHAT THAT MEANS IN TERMS OF
29 STATUTES. WE'RE FOCUSING ON SEPARATED FOR
30 REUSE.

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1 WE'VE GOT A DEFINITION. WE THINK IT WORKS FOR
OUR

2 PURPOSES. WE THINK IT WORKS FOR YOUR PURPOSES.
WE

3 THINK IT WORKS FOR THE PAPER AND THE METAL
4 PURPOSES. WE DON'T UNDERSTAND WHY IT DOESN'T.

WE
5 HAVE FACILITIES DOING THE SAME THING THEY DO,
AND

6 IT WORKS FOR THEM. SO WE CAN'T UNDERSTAND WHY
IT
7 DOESN'T.

8 WHAT WE'VE DONE, AND ONE OF THE
9 EARLIER PROPOSALS DID LOOK AT TRYING TO COMBINE
THE

10 TERMS. THEY ARE NOT THE SAME. SEPARATED FOR
REUSE

11 HAS SPECIFIC IMPLICATIONS AS FAR AS AN END
RESULT

12 AND WHAT IT'S GOING TO LOOK LIKE. SOURCE
SEPARATED

13 PORTION DOESN'T REALLY MEAN ANYTHING. IT COULD
BE

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14 TAKING A LITTLE BIT OF GARBAGE OUT; IT COULD
MEAN

15 TAKING A LOT OF GARBAGE OUT. IT'S JUST SOMEBODY
IS

16 TAKING SOMETHING OUT OR MOVED IT APART. SO
THERE

17 IS AN AREA IN BETWEEN THAT CAN BE SOURCE
SEPARATED

18 AND SEPARATED FOR REUSE.

19 SO THAT'S -- AND WHY THIS HAS BEEN
AN

20 ISSUE IS THE SAME THING FROM EARLIER TODAY THAT
I

21 POINTED OUT AND WILL CONTINUE TO POINT OUT. THE

22 ONE IN SAN FRANCISCO YOU'VE JUST DEALT WITH.

23 YOU'VE GIVEN \$300,000 TO THIS FACILITY THAT
WAS

24 OPERATING AS A C&D SITE. THE LEA SAYS IT'S
ILLEGAL

25 SOLID WASTE FACILITY. WE SAY IT IS. THIS
FACILITY

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1 STILL REMAINS TODAY, AND WE'RE STILL TRYING TO
GET

2 IT SHUT DOWN. IT'S NOT JUST THIS ONE FACILITY.

3 WE'VE HAD AT LEAST FOUR CASES IN SAN
FRANCISCO.

4 WE'VE HAD THE ONE IN PLACER THAT WAS
MENTIONED.

5 WE'VE HAD OTHERS. SOME OF THEM HAVE LEFT SAN

6 FRANCISCO AND GONE ON TO ALAMEDA AND CONTRA
COSTA

7 COUNTY. YOU HAD THE WORM FARM IN SAN
BERNARDINO.

8 THOSE FACILITIES ARE OUT THERE. I DON'T KNOW
HOW

9 MANY TALLIES OF INFORMATION THERE ARE. I'M
SURE

10 THERE'S A LOT MORE ON THE 2136 LIST.

11 SO AS FAR AS WHY WE HAVE A
PROBLEM,

12 THAT'S A LOT OF IT, THESE TYPES OF FACILITIES
THAT

13 ARE ALLOWED TO OPERATE USING VAGUE DEFINITIONS.

14 AND IT IS A QUESTION OF FAIRNESS ON OUR HALF.

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15 WE'RE INSPECTED QUITE REGULARLY FOR EVERYTHING
FROM

16 RECYCLABLES THAT ARE STORED, CRACKS IN THE

17 CONCRETE, AND THESE FACILITIES ARE DOWN THE
STREET

18 FROM US EXISTING. SO WE QUESTION THE FAIRNESS
OF

19 THAT. IT IS A COMPETITIVE ISSUE. WE HAVE TO

20 OPERATE UNDER TIGHTER CONTROLS WHICH COST US
MONEY.

21 THESE FACILITIES DON'T. BUT IT'S ALSO AN
ISSUE FOR

22 THE BOARD TO BE DEALING WITH, NOT ONLY FROM
YOUR

23 AUTHORITY PERSPECTIVE, WHICH IS BEING, QUITE

24 FRANKLY, FLAUNTED MANY A TIME BY THESE
FACILITIES

25 THAT CANNOT BE SHUT DOWN.

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1 THERE'S ALSO A QUESTION OF WHAT
2 HAPPENS TO THOSE FACILITIES WHEN THEY GET
3 CHALLENGED. THAT'S WHAT YOU ARE SEEING
HAPPENING
4 WITH THE 2136 FUND, ILLEGAL AND ABANDONED AND
5 ORPHAN SITES. THESE FACILITIES, WHEN THEY GET
6 QUESTIONED, WALK AWAY. THOSE OF US PAYING INTO
THE
7 FUND ARE FORCED TO FOOT THE BILL TO CLEAN THEM
UP,
8 SO WE GET HIT TWICE FROM THAT PERSPECTIVE.
WE'VE
9 BEEN UNABLE TO ACTUALLY GO AFTER THESE PEOPLE
TO
10 RECOUP ANY MONEY OF ANY SUBSTANTIAL NATURE TO
11 REIMBURSE FOR THOSE ACTIVITIES. THIS IS GOING
TO
12 HAPPEN MORE AND MORE UNLESS THE DEFINITIONS
ARE
13 TIGHT ENOUGH NOT TO ALLOW THAT. SO THAT'S WHY
IT'S
14 A PROBLEM.
15 ONE OF THE OTHER EXAMPLES WE'VE

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BEEN

16 TRYING TO DEAL WITH AND ONE THAT HAD BEEN
ALLOWED

17 IN ONE OF THE PREVIOUS VERSIONS OF THE REGS, I
18 THINK A LITTLE BIT MORE CLEANED UP NOW, BUT NOT
19 TOTALLY, IS IT'S NOT A QUESTION OF THOSE PEOPLE
ON

20 THE EXTREMES, THOSE OF US HAVING TRANSFER
STATIONS

21 THAT DO VERY LITTLE PROCESSING AND END UP
INSIDE

22 YOUR AUTHORITY. THAT'S NOT A PROBLEM. WE
23 APPRECIATE GOING DOWN. WE DON'T HAVE A PROBLEM
24 BEING REGULATED.

25 I DON'T THINK IT'S A PROBLEM
THOSE

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1 FACILITIES, ESPECIALLY THE PAPER AND THE METAL
2 FOLKS THAT ARE DOING SIGNIFICANT AMOUNTS OF
3 DIVERSION WITH VERY LITTLE RESIDUAL. THEY'RE
NOT

4 CAPTURED, IN OUR MINDS, IN THE DEFINITION OF
5 SEPARATED FOR REUSE BECAUSE THAT STILL ALLOWS
SOME

6 SMALL LEVEL OF CONTAMINATION. AND THAT'S WHERE
WE
7 GET INTO THE 10 PERCENT.

8 WHAT WE'RE AFRAID OF ARE THOSE
9 FACILITIES IN THE MIDDLE THAT WILL TAKE
ADVANTAGE

10 OF THIS, THAT WILL DIVERT 15 PERCENT AND SEND
THAT

11 ON FOR REUSE. THEY'LL TAKE 85 PERCENT OF THEIR
12 MATERIAL, OR PICK ANY OTHER NUMBERS YOU WANT,
AND

13 SEND THAT ON TO ANOTHER FACILITY FOR PROCESSING
OR

14 SEND IT OFF SOMEWHERE ELSE. ONCE THEY'VE SENT
THAT

15 MATERIAL OFF AND THEY'VE CLAIMED IT'S SEPARATED

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OR

16 SOURCE SEPARATED, THEY DON'T CARE WHERE THAT
17 MATERIAL GOES. IT COULD GO TO A LANDFILL; IT
COULD

18 GO TO A TRANSFER STATION FOR ADDITIONAL
PROCESSING,

19 AND THAT SCENARIO CAN BE REPEATED THROUGHOUT SO
20 THAT MATERIAL CAN BOUNCE AROUND FROM PLACE TO
21 PLACE, EACH PARTY TAKING A LITTLE BIT OUT, AND
IT

22 WON'T BE CAPTURED IN THE AUTHORITY. IT WON'T
BE

23 CAPTURED AS SOLID WASTE FACILITY UNDER THE
RESIDUAL

24 DEFINITION THAT WAS USED PREVIOUSLY. I'M NOT
SURE

25 HOW THE CURRENT ONE DEALS WITH THAT.

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1 MEMBER RELIS: COULD I ASK LARRY A
2 QUESTION ON THAT POINT? ON THIS DIAGRAM,
THERE'S
3 15 PERCENT, 85, THE IDEA -- THIS ALMOST REMINDS
ME
4 OF THE GARBAGE BARGE THAT WANTS TO KEEP GOING
AND
5 15 PERCENT GETS -- WELL, IS THIS -- I SEE THE
6 EXAMPLE, BUT IS THIS -- IS THIS LIKELY TO
HAPPEN
7 BECAUSE IT COSTS MONEY TO HANDLE MATERIAL?
THAT'S
8 WHERE THE BIG COSTS ARE, HANDLING IT, PICKING
IT
9 UP, MOVING IT TO SOME OTHER PLACE.
10 I MEAN IF YOU ARE REALLY INTENT
ON
11 HAVING A MOVING DISPOSAL SITE, WHICH THIS
DIAGRAM
12 DEPICTS, IS THAT ECONOMICALLY VIABLE TO DO
THAT?
13 MR. SWEETSER: IT'S CHEAPER TO HANDLE
IT,

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14 PROCESS IT, AND TRANSPORT IT THAN IT IS TO PAY
A
15 TRANSFER STATION OR A LANDFILL FOR DISPOSAL,
THEN
16 THE ANSWER IS YES. AND DISPOSAL RATES HAVE GONE
UP
17 ENOUGH IN SOME COMMUNITIES TO FORCE THAT TO
HAPPEN.
18 THAT'S ONE OF THE REASONS WE'VE HAD THOSE ISSUES
IN
19 SAN FRANCISCO IS BECAUSE WE HAVE SUCH HIGH
DISPOSAL
20 RATES. SO IT CAN HAPPEN.
21 WE'VE SEEN FACILITIES OPEN UP NEXT
22 DOOR TO EACH OTHER ON DIFFERENT PROPERTIES, ONE
WAS
23 DEALING A LOT WITH WOODWASTE. WHEN THE LEA TOLD
24 THEM THAT THEY WERE AT A MAXIMUM ON ONE
PROPERTY,
25 THEY OPENED A SEPARATE FACILITY WITH A
SEPARATE

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1 ENTRANCE ON THE OTHER SIDE. THOSE THINGS
WILL
2 START TO OCCUR. NEVER DOUBT THE CREATIVITY
OF
3 THOSE IN THE INDUSTRY TO COME UP WITH WAYS TO
DEAL
4 WITH THESE RULES.

5 THERE WILL BE PEOPLE OUT THERE
6 LOOKING FOR THAT. AND AS LONG AS THE COST IS
7 CHEAPER THAN WHAT WE'RE CHARGING THEM FOR
DISPOSAL,

8 THEY WILL PURSUE THAT. SO I THINK IT CAN
HAPPEN.

9 AND THE PROBLEM WILL BE THAT THE
10 LEA'S WHO COMPLAIN ABOUT ISSUES WITH
ENFORCEMENT

11 AND VERIFICATION, AN EXAMPLE LIKE THIS COULD
NEVER
12 BE VERIFIED ON WHERE IT GOES OR WHAT HAPPENS
TO IT.

13 AND TO MAYBE THE SHORTEN THE
CHAIN A

14 LITTLE BIT, SOMETHING THAT CAN BE LOOKED AT IS

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IF

15 SOMEBODY SENDS SOME OF THEIR MATERIAL ON,
THEY'RE

16 CLAIMING THAT IT WAS SEPARATED, SOURCE
SEPARATED,

17 AND THEY SEND IT ON TO ANOTHER FACILITY, THEY
DON'T

18 CARE WHAT HAPPENS TO IT AT THAT POINT. IT
COULD BE

19 A LOAD OF 85 PERCENT GARBAGE THAT THEY'RE
SAYING IS

20 GOING TO BE USED FOR A COMPOST PILE SOMEWHERE.
AND

21 YOU CAN COMPOST THAT AND IT MAY LEGITIMATELY
BE

22 DONE THAT WAY; BUT IF IT'S NOT AND THAT SECOND
23 FACILITY TAKES THAT MATERIAL AND JUST THROWS
IT ALL

24 AWAY, THAT FIRST FACILITY WOULD STILL HAVE
BEEN

25 OUTSIDE THE AUTHORITY, THAT THAT MATERIAL THAT
WAS

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1 SENT ON BECAUSE IT WAS SOURCE SEPARATED.

2 LET ME START WITH A SIMPLER
EXAMPLE.

3 MEMBER JONES: MR. SWEETSER. MR.
RELIS,

4 BRINGS UP A GOOD EXAMPLE. BECAUSE GO TO AN
AREA

5 THAT IS FRANCHISED, WHERE EVERYTHING IS
FRANCHISED,

6 OKAY, AND AS PART OF THAT FRANCHISE,
CLOSURE FUNDS

7 FOR THE LOCAL LANDFILL ARE INCLUDED.
FUNDING FOR

8 THE LOCAL RECYCLING COORDINATOR AND
HAZARDOUS WASTE

9 FACILITY AND ALL THOSE TYPES OF THINGS ARE
IN THE

10 RATE. OKAY. SOMEBODY ELSE COMES IN AND
HE'S

11 SAYING, "WELL, YEAH, YOU KNOW." WE GOT IN
THIS

12 DISCUSSION LAST TIME WHERE THEY'LL SAY --
JUST SAY

13 IT'S ALL SOURCE SEPARATED AND YOU WANT IT

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ALL FOR

14 RECYCLING, THEN I CAN HAUL IT. SO THEY
HAUL IT FOR

15 WHATEVER FEE.

16 LET'S SAY THAT THE REGULATED
FEE WAS

17 \$300 FOR THE BOX, AND BEING ENTREPRENEURS,
THEY

18 CHARGE A \$150 A BOX. THERE'S AN AWFUL LOT
THAT CAN

19 HAPPEN IN THAT \$150, OKAY, FOR THAT BOX AS
FAR AS

20 OTHER TYPES OF PROCESSING.

21 AND I DON'T KNOW THAT THIS
MULTIPLE

22 CHAIN CAN GO VERY FAR. BUT IT CAN AND IT
COULD BE

23 USED REAL EASILY BY SAYING, "WELL, I'VE
SOURCE

24 SEPARATED THIS MATERIAL, AND NOW I'VE
SEPARATED FOR

25 REUSE THIS OTHER MATERIAL, SO I HAVE NO
RESIDUAL

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1 WASTE. "

2 MR. SWEETSER: GIVE YOU AN EXAMPLE

--

3 MEMBER JONES: THAT'S WHY YOU NEED
TO

4 DEFINE REUSE AND YOU NEED TO DEFINE THOSE
THINGS.

5 MR. SWEETSER: I COULD CLAIM THAT
I'VE

6 GIVEN UP THAT LEFTOVER MATERIAL, 85 PERCENT OF
MY

7 WASTESTREAM, TO SOMEBODY ELSE THAT'S GOING TO
REUSE

8 IT, SO I'VE SOURCE SEPARATED IT OUT FOR THEIR
9 PURPOSE. I'VE TAKEN OUT THE GLASS THAT THEY
CAN'T

10 USE. THEY'RE GOING TO USE IT FOR THEIR PURPOSE.

11 WHAT THEY DO WITH IT I DON'T REALLY CARE. I'VE

12 SENT IT TO THEM AND I WASH MY HANDS OF IT.

13 MEMBER RELIS: I DON'T WANT TO
ELABORATE,

14 BUT, YOU KNOW, YOU SAY THE TERM SEND IT TO SOME

15 OTHER PERSON, BUT 85 PERCENT, THAT COMES TO
ANOTHER

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16 PERSON, THEY'RE A SOLID WASTE FACILITY.

17 MEMBER JONES: NOT IF IT WAS SOURCE

18 SEPARATED TO GO THERE. IT'S SOURCE SEPARATED
FOR

19 REUSE. HOW IS IT A DISPOSAL FACILITY?

20 MEMBER RELIS: WELL, I MEAN THEY ARE --

21 MEMBER JONES: IT'S THE DEFINITION.

22 MEMBER RELIS: THEY ARE BY EVERY

MEASURE A

23 DISPOSAL FACILITY.

24 MEMBER JONES: SHOW ME IN THE REG WHERE
IT

25 IS BECAUSE IT'S NOT IN THE REG, AND THAT'S THE

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1 PROBLEM.

2 MR. BLOCK: THIS IS AN ISSUE THAT CAME
UP

3 AT THE WORKING GROUP BECAUSE THE IDEA IS THAT
4 WHETHER OR NOT ONE WOULD BE ABLE TO SAY THAT
GOING

5 THROUGH THIS CHAIN THE MATERIAL WAS SOURCE
6 SEPARATED OR SEPARATED FOR USE, THE 85 PERCENT
7 OBVIOUSLY, IT'S A LARGE NUMBER HERE, IS WELL
OVER

8 THE 10 PERCENT.

9 WHAT WE DID IS WE WENT INTO THE
10 DEFINITION OF RESIDUAL ON PAGE 10, WHICH HAD
SAID

11 RESIDUAL MEANS SOLID WASTE DESTINED FOR DISPOSAL
OR

12 TRANSFORMATION, AND THAT WAS A LOOPHOLE THAT WAS
13 IDENTIFIED --

14 MS. RICE: I THINK IT'S PAGE 7 IN YOUR
15 PACKAGE.

16 MEMBER JONES: MINE SAYS FURTHER
TRANSFER

17 OR PROCESSING.

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18 MR. BLOCK: RIGHT. SO THAT'S WHY WE
ADDED
19 THOSE LANGUAGE, AND IF THERE'S SOME ADDITIONAL
20 CLARIFICATION WE CAN ADD THERE, THAT'S FINE, BUT
21 THAT WAS TO GET AT EXACTLY THIS IDEA, EACH OF
THESE
22 LINES ON THE 85 PERCENT, THAT'S FURTHER TRANSFER
OR
23 PROCESSING, AND SO THEY WOULD BE CAPTURED BASED
ON
24 THE WAY WE CHANGED THE LANGUAGE OF RESIDUAL.

25 MEMBER JONES: OKAY, BUT IF I AM THE

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1 OPERATOR OF THE FIRST FACILITY, AND MY INTENT
IS TO

2 SEND THAT 85 PERCENT OFF TO BE RECYCLED, THEN

3 HAVEN'T I FULFILLED THE REQUIREMENT UNDER
SEPARATED

4 FOR REUSE? IN MY MIND I HAVE. IN MY MIND I
HAVE,

5 AND I WILL ARGUE WITH YOU THAT I HAVE.

6 MR. SWEETSER: I THINK I CAN SHOW
YOU HOW

7 THAT WORKS FOR THE SEPARATED FOR REUSE.
THERE'S NO

8 QUESTION WITH SOMETHING LIKE THIS WHERE WE'RE
JUST

9 DOING A LITTLE BIT OF DIVERSION AND PULLING
OUT AND

10 SENDING THE REST ON TO A LANDFILL IS WITHIN
THE

11 AUTHORITY WITHIN THE TIERS. NO QUESTION

12 WHATSOEVER. THAT'S A TRANSFER STATION UNDER
THE

13 NAME OF A LANDFILL, WHATSOEVER. WE'VE DONE A

14 LITTLE BIT OF DIVERSION.

15 AND THE REUSE MATERIAL DOWN

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HERE ,

16 TRYING TO DRAW A CERAMIC GLASS IN MY GLASS
LOAD, IF

17 IT HAS A LITTLE BIT OF CONTAMINATION, IN OUR
MIND

18 IT'S STILL BEEN SEPARATED FOR REUSE BECAUSE
WE'RE

19 SENDING IT ON TO SOMEONE WHO'S GOING TO
DEVELOP IT

20 FOR THE MARKET, AND THEY HAVE TO TAKE THAT
LITTLE

21 MATERIAL OUT. THAT'S NOT THE PROBLEM. WE
THINK OF

22 CERAMIC AND GLASS, IT CAN BE SOME PAPER AND
METAL

23 OR METAL AND PAPER. A LITTLE BIT OF THE

24 CONTAMINATION ISSUE WON'T -- I DON'T THINK
AFFECTS

25 THE SEPARATED FOR REUSE.

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1 ON THE CONVERSE, WE HAVE THOSE
2 FACILITIES THAT HAVE TAKEN OUT -- I USED A
MIXED
3 LOAD BETWEEN PAPER AND GLASS AND ALL OF THAT.
4 THEY'VE GOT PAPER COMING IN, THEY'VE GOT GLASS
5 COMING IN, THERE'S A LITTLE BIT OF CONTAMINATION
IN
6 THE GLASS LIKE CERAMICS. THAT WOULD BE
DIVERSION
7 SEPARATED FOR REUSE IN OUR MIND. ALONG WITH
PAPER
8 CAME IN AND THEY HAD A BANANA PEEL IN THE LOAD,
9 THAT WOULD STILL BE SEPARATED FOR REUSE BECAUSE
THE
10 MAJORITY OF THAT MATERIAL IS IN THERE AND BEING
11 READYED FOR MARKET, IT IS SEPARATED FOR REUSE.
12 THAT IS IN OUR MINDS OUTSIDE THE BOARD'S
AUTHORITY
13 FOR PROCESSING.
14 THERE'S NO SIGNIFICANT AMOUNT OF
15 GARBAGE COMING INTO THAT FACILITY. IT IS A
16 QUESTION OF WHERE YOU MEASURE THAT. SINCE WE
CAN'T

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17 MEASURE WHAT'S COMING IN, WE HAVE TO MEASURE IT
ON
18 THE RESIDUAL END GOING OUT. IN OUR MIND THAT
KIND
19 OF AN EXAMPLE, AND I THINK THAT'S PREDOMINANT,
20 MAJOR PAPER MANUFACTURERS AND THE METAL
21 MANUFACTURERS, AND THAT'S WHY IT WORKS FOR THEM
22 BECAUSE WE HAVE TO ACKNOWLEDGE SOME LEVEL OF
23 CONTAMINATION.
24 WHERE WE RUN INTO THE PROBLEM IS
THAT
25 THE FACILITY OPERATION OR WHATEVER YOU WANT TO
CALL

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1 IT THAT HAS TAKEN OUT THE GLASS, HAS A LITTLE
BIT
2 OF CERAMICS, THAT PART'S FINE. THAT'S BEEN
3 SEPARATED FOR REUSE. THEN THEY SEND A LARGE
AMOUNT
4 OF MATERIAL OFF SITE FOR FURTHER PROCESSING,
MAYBE
5 MULTIPLE LOCATIONS. IT COULD GO ON TO A
PROCESSOR,
6 COULD GO ON TO A LANDFILL. IN OUR MINDS IF THEY
7 HAVEN'T MET THE TWO-PART TEST BECAUSE EVEN
THOUGH
8 IT MAY HAVE BEEN SOURCE SEPARATED, IT'S NOT
BEEN
9 SEPARATED FOR REUSE BECAUSE THE MATERIAL GOING
OUT
10 IS GOING TO REQUIRE SIGNIFICANT AMOUNTS OF
11 PROCESSING, THAT IT'S NOT READY FOR THE MARKET.
12 THAT MATERIAL OUT HERE IS NOT
READY
13 FOR REUSE, IT'S NOT READY FOR MARKETS; AND,
14 THEREFORE, NOT ONLY HAVE THEY FAILED THE TWO-
PART

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15 TEST LEAVING THEIR FACILITY, IT ACTUALLY FAILED
IT

16 COMING IN. IF THEY'VE GOT ENOUGH RESIDUAL
GOING

17 OUT AND IT'S NOT BEEN SEPARATED FOR REUSE
18 SUFFICIENTLY, THEN THE MATERIAL COMING IN
HADN'T

19 BEEN SEPARATED FOR REUSE EITHER.

20 SO THE TWO-PART TEST WOULD STILL
21 APPLY IN THAT RESPECTIVE; SO IF THE RESIDUAL IS
22 BASED UPON THE MATERIAL THAT HAS NOT BEEN
SEPARATED

23 FOR REUSE, THEN THAT DEFINITION WORKS IN
24 CONJUNCTION WITH WHAT WE'VE GOT FOR SEPARATED
FOR

25 REUSE. AND YOU COME BACK TO TYING IN THE TWO-
PART

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1 TEST TOGETHER. YOU'VE GOT APPRECIABLE AMOUNTS
OF

2 RESIDUAL OVER THE 10 PERCENT BEING SENT OFF

3 SOMEWHERE ELSE, BE IT A PROCESSOR OR TO A
LANDFILL,

4 REQUIRING A SIGNIFICANT AMOUNT OF REPROCESSING
TO

5 REMOVE WHAT'S IN THERE, THEN THAT'S NOT
SEPARATED

6 FOR REUSE ON THE BACK END, IT'S NOT SEPARATED
FOR

7 REUSE ON THE FRONT END.

8 AND I THINK THAT REFLECTS A LOT
MORE

9 WHAT WE'RE TRYING TO ACHIEVE WITH THE DEFINITION
OF

10 RESIDUAL THAN -- THE PROBLEM WITH WHAT WE HAVE
ON

11 THE NEW DEFINITION WITH RESIDUAL DOESN'T TAKE
INTO

12 ACCOUNT THOSE FACILITIES THAT LEGITIMATELY SEND
THE

13 MATERIAL ON TO SOMEWHERE ELSE, SUCH AS IF THEY

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TAKE

14 RESIDUAL FROM A COMPOST LINE OR MRF LINE, DIRTY
MRF

15 LINE, AND SEND THAT ON FOR COMPOSTING. THAT'S
SORT

16 OF THE WORM FARM EXAMPLE, BUT IT GOT EXCESSIVE
17 THERE. BUT THAT'S SENT ON AND LEGITIMATELY
18 COMPOSTED. THE DEFINITION IN HERE NOW WOULD
STILL

19 CAPTURE THAT FACILITY. SO I THINK THAT'S WHY WE
20 HAVE A PROBLEM STILL WITH THE NEWER VERSION.
21 ELLIOT IS LOOKING CONFUSED.

22 MR. BLOCK: I GUESS I'M NOT SURE WHY
WE

23 WOULDN'T WANT TO CAPTURE THAT FACILITY. IN
THE

24 EXAMPLE OF THE WORM FARM, THAT MEANS THE MRF
THAT

25 THE MATERIAL THAT WAS GOING TO, THE WORM FARM
WAS A

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1 MRF, THAT'S WITHIN OUR REGULATIONS, AND WE
WANTED

2 THAT TO BE WITHIN OUR REGULATIONS. AND THEY
WERE

3 HANDLING SOLID WASTE. SO I'M NOT SURE WHO
WE'RE

4 CAPTURING THAT WE WEREN'T SUPPOSED TO CAPTURE.

5 MEMBER JONES: I HAVE A QUESTION IN
THAT

6 EXAMPLE BECAUSE IF THE STUFF THAT'S GOING TO
THE

7 WORM FARM, THAT'S NOT THE ENTIRE -- THAT'S A
SOURCE

8 SEPARATED MATERIAL BECAUSE IT HAS A -- IT HAS A
SET

9 OF STANDARDS THAT THEY NEED TO BE FEED FOR THE
10 WORMS, RIGHT? IT'S NOT JUST EVERYTHING THAT IS

11 LEFT OVER OF A -- TO ME A RESIDUAL WASTE, AND
THIS

12 IS WHERE PART OF THIS FALLS DOWN. RESIDUAL
WASTE

13 IS THE STUFF THAT IS GOING TO GO TO A LANDFILL
OR

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14 IT'S GOING TO GO TO TRANSFORMATION, PERIOD,
BECAUSE

15 WITH THIS TEST, IT SAID LESS THAN 10 PERCENT
16 RESIDUAL. WELL, IT DOESN'T MATTER IF 10 PERCENT
17 RESIDUAL CAN BE FURTHER PROCESSED OR
TRANSFERRED,

18 THEN WE DON'T HAVE A STANDARD. HUNDRED
PERCENT

19 UNDER THAT SCENARIO CAN BE PROCESSED.

20 SO, YOU KNOW, I THINK IN MY
OPINION

21 THAT MATERIAL OFF THE COMPOST LINE IS SOURCE
22 SEPARATED. YOU KNOW, EVEN THOUGH IT'S
RESIDUAL

23 FROM THAT LINE, IT'S STILL FOOD FOR --
IT'S STILL A

24 SOURCE SEPARATED MATERIAL.

25 MEMBER RELIS: BUT THE LEA IN
THAT CASE

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1 SAID THAT THE MATERIAL COMING IN --

2 MR. SWEETSER: HAD TOO MUCH
GARBAGE.

3 MEMBER JONES: HAD TOO MUCH
GARBAGE.

4 MR. SWEETSER: THEREFORE, IT
WASN'T

5 SEPARATED PROPERLY FOR REUSE AT THAT
LOCATION

6 BECAUSE IT HAD SO MUCH MATERIAL IT COULD NOT
MEET

7 THE COMPOST STANDARDS. AND, THEREFORE,
8 LEGITIMATELY THEY WOULD BE INSIDE THE BOARD'S
9 AUTHORITY BECAUSE IT HAD TOO MUCH BECAUSE THAT
10 MATERIAL THAT WAS SENT TO THEM THAT THEY
RECEIVED

11 IN WAS NOT SEPARATED SUFFICIENTLY FOR REUSE.
SO

12 THEY FAILED ON THAT PART OF THE TEST.

13 MR. BLOCK: PART OF THE PROBLEM OF
USING

14 THAT EXAMPLE IS WE'RE TALKING ABOUT COMPOSTING
IN A

15 DIFFERENT REGULATORY PACKAGE THAN WE'RE TALKING

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16 ABOUT HERE IN THE EXAMPLE. THE ANALOGY
DOESN'T

17 QUITE FIT BECAUSE THE REASON THERE WAS A
PROBLEM

18 WITH THE WORM FARM WAS BECAUSE WE HAVE AN
EXCLUSION

19 FOR VERMICOMPOSTING WITHOUT -- THE ISSUE THERE
WAS

20 REALLY WHETHER THAT SHOULD BE EXCLUDED OR NOT.
WE

21 DO REGULATE VERMICOMPOSTING OPERATIONS.

22 THE ISSUE THERE WASN'T ABOUT
WHETHER

23 IT WAS REUSING IT OR NOT; IT WAS WHETHER IT WAS

24 LEGITIMATE VERMICOMPOSTING OR NOT.

25 MR. SWEETSER: TYING TOGETHER. THE
WHOLE

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18 COMING OUT THE BACK, IT ADDRESSES, I THINK, THE
19 RESIDUAL QUESTION AND WHAT HAPPENS TO THAT
MATERIAL

20 AND AVOIDS LOOKING AT THE INTENT ISSUE BECAUSE
21 OTHERWISE YOU'RE GOING TO SEE A LOT MORE OF
THESE

22 FACILITIES OUT THERE CROPPING UP BECAUSE THEY'VE
23 BEEN ALLOWED TO. AND THERE'S A VERY POOR TRACK
24 RECORD OF TRYING TO SHUT THESE FACILITIES AND
THE

25 AMOUNT OF TIME IT TAKES AND THE AMOUNT OF WASTE

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1 THEY GENERATE. THAT IS WHAT IS A BIG CONCERN TO
US

2 AND SHOULD BE ALSO HERE.

3 MR. BLOCK: MR. CHAIRMAN, JUST FOR
4 PURPOSES OF CLARITY, IS -- ARE YOU THEN SAYING
THAT

5 THE DEFINITION OF REUSE THAT MS. DELMATIER HAS
PUT

6 FORWARD WOULD NOT ALLOW FURTHER PROCESSING AT
ALL?

7 MR. SWEETSER: NO, IT ALLOWS FOR THE
8 PROCESSING.

9 MR. BLOCK: AND NOT WITHIN THE BOARD'S
10 JURISDICTION?

11 MR. SWEETSER: FOR CLEANING UP ON THE
12 MARKET STANDARD BECAUSE YOU ARE STILL GOING TO
HAVE

13 A CERAMIC IN A LOAD OF GLASS OR SOME BANANA
PEELS

14 IN A LOAD OF NEWSPAPER. THAT STILL, PROVIDED
15 THERE'S NOT EXCESSIVE AMOUNTS, THAT STILL ALLOWS
16 THAT MATERIAL TO BE OUTSIDE THE AUTHORITY
BECAUSE

17 IT'S SEPARATED FOR REUSE. THERE'S SOMEBODY

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THAT'S

18 TAKEN THAT MATERIAL AND USUALLY PAYING US FOR
IT

19 THAT'S GOING TO TAKE THAT MATERIAL AND CLEAN IT
UP

20 FOR THEIR PURPOSE, BUT IT DOESN'T HAVE A LARGE
21 AMOUNT OF SOLID WASTE IN THAT LOAD, WHICH WOULD
BE

22 THE 10 PERCENT.

23 MR. BLOCK: THE REASON I ASKED THAT
24 QUESTION IS THE LAST HALF OF THE SENTENCE IN
THAT

25 PROPOSED DEFINITION SAYS RESTORING THE
MATERIALS TO

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1 A CONDITION OR POSITION FOR APPLICATION OR
2 EMPLOYMENT IN THE MARKETPLACE, WHICH, BASED ON
THE
3 DISCUSSION THAT WE'VE NOW BEEN HAVING ABOUT THE
4 SERIES OF RECYCLING, SAYS TO ME NO ADDITIONAL
5 PROCESSING AFTER IT LEAVES THE SITE BECAUSE
6 OTHERWISE IT'S NOT READY FOR THE MARKETPLACE
YET.

7 AND I THINK THAT'S PROBABLY THE CRUX OF SOME
8 CONCERN ON THE PART OF RECYCLERS.

9 IF THAT'S WHAT IT MEANS, THAT'S A
10 SIGNIFICANT DIFFERENT STANDARD THAN I THINK
WE'VE
11 BEEN TALKING ABOUT FOR THE PAST TWO YEARS.

12 MR. SWEETSER: MAYBE WE HAVE TWO WORDS
OF
13 PROCESSING. THERE IS A PROCESSING THAT WE LOOK
AT
14 IN TERMS OF THIS IS A SOLID WASTE TRANSFER
STATION
15 PROCESSING CENTER THAT IS WITHIN THE BOARD'S
16 AUTHORITY. WHAT HAPPENS AT A MARKETPLACE, AND
THEY
17 CAN PROBABLY SPEAK TO IT VERY WELL, IS IF THEY

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GET

18 A LOAD OF GLASS IN AND THERE'S A CERAMIC CUP IN
19 THERE, SOMETIMES THEY REJECT IT, AND A LOT OF
TIMES
20 THEY'LL TAKE THAT AND TAKE THAT CERAMIC OUT OF
21 THERE. THAT'S NOT SOLID WASTE PROCESSING IN OUR
22 MIND. THAT'S CLEANING FOR MARKET STANDARDS OR
23 WHATEVER ELSE. MAYBE A TERM WE HAVE TO COME UP
24 WITH. THAT'S NOT A SOLID WASTE PROCESSING
25 ACTIVITY. THAT'S JUST A LITTLE PURIFICATION OF

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1 THAT WASTESTREAM.

2 MEMBER RELIS: WELL, THAT'S TRUE. NOW,
I

3 EXTEND THAT -- LET'S SUPPOSE I HAD A CERTAIN
PAPER

4 TYPE MATERIAL AND IT WASN'T REAL CLEAN AND I
NEEDED

5 TO CLEAN IT UP, AND THERE IS A RESIDUAL FROM THE
6 CLEANUP. HAVE I CROSSED OVER INTO THE -- IT'S
ALL

7 HOMOGENOUS PAPER.

8 MR. SWEETSER: THEY HAVE TO PURIFY THAT
9 AND TAKE OUT 10 PERCENT OR MORE OF THAT MATERIAL
TO

10 PURIFY IT, THEN THEY'VE CROSSED THE THRESHOLD?

11 AND A LEGITIMATE PROCESSOR SHOULD SEND THAT

12 MATERIAL BACK BECAUSE IT CONTAINS TOO MUCH

GARBAGE

13 BECAUSE THEY'VE CROSSED THAT 10 PERCENT. IF

14 THERE'S MORE THAN 10 PERCENT IMPURITIES IN THAT

15 LOAD, THEY FAIL THE TEST. AND UNLESS THEY'RE A

16 PERMITTED SOLID WASTE FACILITY --

17 MEMBER RELIS: THEN WE WOULD BE

CARRYING

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18 OUR ARM INTO THE -- YOU WOULD BE CALLING THAT
SOLID

19 WASTE, AND THEN WE WOULD BE GOING INTO A
20 MANUFACTURING ENTITY, AS I READ IT.

21 MR. SWEETSER: IF THEIR SEPARATED FOR
22 REUSE MATERIAL ARRIVING CONTAINS MORE THE 10
23 PERCENT OR MORE RESIDUALS IN IT THAT ARE
IMPURITIES

24 THAT THEY HAVE TO TAKE OUT, THEN THEY'VE CROSSED
25 THE LINE. THAT'S HOW IT'S BEING MEASURED NOW
IS

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1 THAT IF THAT LOAD CONTAINS MORE THAN 10
PERCENT,

2 THOSE PEOPLE WITHOUT PERMITS SHOULD BE SENDING
IT

3 BACK. SO IT'S NOT BEEN SUFFICIENTLY SEPARATED
FOR

4 REUSE IN THAT.

5 MEMBER RELIS: SEE, THAT'S PRECISELY MY
6 POINT. THAT WORRIES ME THAT WE WOULD TAKE IT
THAT

7 FAR BECAUSE ONCE IT'S SEPARATED -- LET'S JUST
CALL

8 IT PAPER. I'LL JUST USE ONE EXAMPLE. OKAY.
FROM

9 OUR VIEW, DOES THAT REPRESENT A HEALTH AND
SAFETY,

10 YOU KNOW, ISSUE? WHETHER A MANUFACTURER
MODULATES

11 THEIR OPERATION -- I MEAN THEY DON'T LIKE TO
12 RECEIVE A LOT OF WASTE OR EXCESS, WE'LL JUST
CALL

13 IT EXCESS FOR THE MOMENT, BECAUSE THAT'S A
HANDLING

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14 COST. THAT'S A PROCESSING COST.

15 MEMBER JONES: WHERE AT? AT WHAT PART
16 OF

16 THE PROCESS?

17 MEMBER RELIS: I'M TALKING ABOUT
18 SEPARATION HAS OCCURRED.

19 MEMBER JONES: WHERE?

20 MEMBER RELIS: WHERE? AT THE -- LET'S
21 JUST SAY AT A MRF. OKAY. AND NOW THERE ARE
22 BALES

22 OF PAPER, AND THOSE BALES HAVE A USE LEVEL OF 89
23 PERCENT.

24 MEMBER JONES: ELEVEN PERCENT
25 RESIDUAL.

25 MEMBER RELIS: I'M JUST TRYING TO
CARRY

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1 THIS OUT. THEN THERE'S 11 PERCENT RESIDUAL.
AND

2 BY THE EXTENSION OF, I THINK, WHAT YOU ARE
SAYING,

3 WE WOULD WANT TO REGULATE THAT. THEN THEY WOULD
BE

4 IN VIOLATION OF OUR TERMS, AND SO THEY'D BE A --
5 THEY'D COME UNDER SOME -- ONE OF THE TIERS.

6 MEMBER JONES: WELL, CAN I ASK A
QUESTION?

7 ARE YOU SAYING THAT THE MANUFACTURING PLANT? THE
8 BALES ARE GOING TO BE CUT, FLUFFED, AND THROWN
INTO

9 THE VAT, THROWN INTO THE PROCESS OF MAKING --

10 MEMBER RELIS: MAYBE IT GOES DOWN
ANOTHER

11 CONVEYOR AND THEY BLOW OFF SOME OF THE -- WHAT
THEY

12 WOULD CONSIDER NOT USEFUL MATERIAL. AND THAT
WOULD

13 BE A RESIDUAL. AND THAT WOULD BE IN EXCESS OF 10

14 PERCENT AND, ERGO, WE WOULD WANT TO REGULATE
THEM.

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15 MEMBER JONES: BUT THAT'S AT THE
16 MANUFACTURER.

17 CHAIRMAN FRAZEE: MANUFACTURING AND HAS
18 AN
19 EXCLUSION.

20 MEMBER JONES: AND THAT'S AN EXCLUSION.
21 THE MANUFACTURING PLANT HAS AN EXCLUSION, RIGHT?

22 MEMBER RELIS: ALL MANUFACTURERS. SO
23 THAT

24 COULDN'T HAPPEN? OKAY. THEY'RE COMPLETELY OUT.

25 MR. SWEETSER: YOU'VE GOT TO BE CAREFUL
26 YOU DON'T GIVE SOMEBODY AN EXCUSE TO BE CALLED A
27 MANUFACTURER INSTEAD OF --

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1 MEMBER JONES: NO, I'M TALKING ABOUT
WITH
2 THE TANK THERE AND THE PAPER GOING IN. PEOPLE
GET
3 NERVOUS ABOUT THE RESIDUAL. I THINK CHINA QUIT
4 TAKING A BUNCH OF OUR PAPER BECAUSE IT WAS TOO
MUCH
5 IN THERE.

6 MR. SWEETSER: A LOT OF US ARE BUILDING
7 OUR FACILITIES AROUND THE 10-PERCENT NUMBER
NOW,
8 MAKING SURE THAT WE'RE STAYING BELOW THAT
LIMIT.

9 IF ONE OF OUR FACILITIES AS A WHOLE CROSSES
THAT
10 THRESHOLD OF 10 PERCENT AND IT'S NOT
PERMITTED,
11 WE'RE GOING TO GO BACK DOWN THE LINE TO OUR
12 CUSTOMERS AND START SAYING YOU HAVE TO CLEAN
UP
13 YOUR ACT. AND SO WE'LL START HOLDING THAT 10
14 PERCENT ACCOUNTABLE, NOT ON JUST OUR
FACILITY, BUT
15 ALSO ON EACH LOAD COMING IN, IN A SENSE, TO

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MAKE

16 SURE THAT THEY'RE CLEAN ENOUGH. AND IF WE
GET A

17 LOAD THAT'S TOO DIRTY, WE'RE GOING TO SEND IT
18 BACK. AND WE'LL BE USING THAT 10 PERCENT ON
THAT

19 LOAD AS A THRESHOLD SO THAT IT'S NOT
SUFFICIENTLY

20 SEPARATED FOR REUSE.

21 AND THAT'S WHY WE'VE USED OUR
22 DEFINITIONS INSTEAD OF, I THINK, WHAT'S
ALREADY

23 THERE. I THINK WE CAN ACCOMPLISH THAT. WE
MAY

24 NEED TO TWEAK IT A LITTLE MORE, AND BY ALL
MEANS

25 WE'RE THINKING THAT THERE NEEDS TO BE TIME TO
PLAY

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1 WITH THAT DEFINITION. I THINK THE TWO-PART
TEST

2 CAN WORK ON THE FRONT END AND THE BACK END
USING

3 THE SCENARIO AND ON THE LOADS BEING
PROCESSED.

4 MEMBER RELIS: WELL, THE IRONY IS,
AND

5 I'LL STOP HERE BECAUSE WE'VE GOT A LOT OF
OTHER

6 PEOPLE, I KNOW, THAT WANT TO BE HEARD, BUT I
WANT

7 TO ACCOMPLISH THE SAME THING YOU DO. I DON'T
WANT

8 TO SEE THESE DEBRIS BOX OPERATORS IN BUSINESS.

9 I'VE ALWAYS CONSIDERED THAT AN ENFORCEMENT
PROBLEM,

10 AND HOW DO WE DEAL WITH THE ENFORCEMENT ISSUE.

11 AND WE SEEM HUNG UP ON THIS, YOU

12 KNOW, REUSE OR WHERE DOES THAT BREAK OUT AND
HOW

13 DOES THAT TIE BACK TO OUR ABILITY TO ENFORCE

14 BECAUSE IF WE COULD ENFORCE OR WE WOULDN'T BE

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HERE.

15 MS. RICE: ON THOSE EXAMPLES RAISED
I'M
16 CONFUSED AND PERHAPS I'M JUST NOT UNDERSTANDING
17 PART OF THE ARGUMENT. WHEN YOU TALK ABOUT
THE
18 SITUATION IN SAN FRANCISCO OR ANY OTHER
MAJOR
19 SITUATION WHERE YOU'VE GOT TONS OF SOLID
WASTE
20 BEING STOCKPILED ON A PIECE OF PROPERTY, I
DON'T
21 SEE THAT AS A SITUATION THAT THESE REGULATIONS
ARE
22 INTENDED TO ADDRESS. THAT'S SO FAR AWAY FROM
23 ANYTHING NEAR THE TWO-PART TEST.
24 WE'RE TALKING ILLEGAL DISPOSAL
OR
25 ILLEGAL TRANSFER OPERATIONS. WE'RE NOT
TALKING

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1 ANYTHING CLOSE TO A RECYCLER. SO I THINK YOU
ARE

2 RIGHT, PAUL, THAT IF THE ENFORCEMENT
MECHANISMS

3 AREN'T WORKING SUCH THAT AN LEA CAN'T DEAL
WITH

4 WHAT IS AN ILLEGAL DISPOSAL OPERATION,
THAT'S A

5 PROBLEM. BUT I DON'T KNOW IF IT'S ONE YOU GET
AT

6 BY DEFINITIONS OF REUSE OR TINKERING WITH THE
7 TWO-PART TEST OR ANYTHING OF THAT. WE NEED TO
8 FIGURE OUT HOW TO SHUT DOWN ILLEGAL DISPOSAL
9 OPERATIONS AS ONE ISSUE.

10 MEMBER JONES: I UNDERSTAND WHAT YOU
ARE

11 SAYING, BUT THEY'RE NOT ILLEGAL DISPOSAL
OPERATIONS

12 IF THE PEOPLE HAVE BOUGHT OFF ON THE IDEA THAT
13 THEY'RE RECYCLING CENTERS, AND THAT'S EXACTLY
WHAT

14 HAPPENED IN SAN FRANCISCO.

15 MS. RICE: YOU HAVE RAISED A NUMBER OF

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16 TIMES THE QUESTION OF INTENT, AND I THINK THAT'S
17 VERY IMPORTANT, AND IT'S ONE WE'VE BUTTED UP
18 AGAINST IN ALMOST ALL OF THESE RULEMAKINGS IN
19 ONE
20 WAY OR ANOTHER. IT WAS A BIG ISSUE IN THE
21 CHIPPING
22 AND GRINDING REGULATIONS WHERE -- BIG ISSUE IN
23 ALL
24 OF THEM, THE COMPOST REGULATIONS.
25 FROM MY PERSPECTIVE, IF THERE'S A
26 WAY
27 WE CAN BE CLEARER ABOUT IT DOESN'T MATTER WHAT
28 SOMEONE CALLS THEMSELVES, IT MATTERS WHAT THE
29 OPERATION LOOKS LIKE. IT MATTERS WHAT THEY ARE

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1 DOING, NOT WHAT THEY SAY THEY ARE DOING.
2 IF SOMEONE IS STOCKPILING, IT
3 SHOULDN'T MATTER THAT THEY SAY THEY ARE A
RECYCLER
4 AND THAT'S THE BUSINESS THAT THEY ARE IN. IF IT
5 LOOKS, ACTS, AND FEELS LIKE A SOLID WASTE
FACILITY,
6 THEN IT IS. AND IF THE REGULATIONS AREN'T CLEAR
7 ENOUGH TO ENABLE THAT TO HAPPEN, THEN, YEAH,
WE'VE
8 GOT SOME WORK TO DO, BUT THAT WAS OUR GOAL. I
9 THINK WE'RE TRYING TO STEER AWAY FROM THE INTENT
10 QUESTION BECAUSE I DON'T THINK YOU GET VERY FAR
11 WITH THAT IN TERMS OF ENFORCEMENT. SOMEONE
CAN
12 ALWAYS SAY THEIR INTENT WAS TO STOCKPILE
THIS
13 MATERIAL BECAUSE THEY'RE HOPING SOMEDAY THERE
WILL
14 BE A MARKET. WE'VE HEARD THAT A LOT, TIRES,
15 ORGANIC MATERIAL, WHATEVER IT MIGHT BE. IT
DOESN'T
16 WORK VERY WELL.

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17 MEMBER JONES: I UNDERSTAND THAT. AND
ALL

18 I'M TRYING TO ENSURE IS THAT WE DON'T PUT A
19 REGULATION -- REG PACKAGE OUT THERE THAT ENABLES
20 THAT TO CONTINUE. THAT'S MY PROBLEM BECAUSE
THESE

21 FACILITIES ARE NOT LOOKED AT AS ILLEGAL DISPOSAL
22 SITES. I WILL TELL YOU RIGHT NOW THEY ARE
LOOKED

23 AT AS RECYCLING CENTERS.

24 MS. RICE: BY WHOM?

25 MEMBER JONES: BY THE UNIVERSE, THE
191

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1 CUSTOMERS THAT USE IT, THE GUY THAT'S OPERATING
IT,

2 AND THE REGULATORY PEOPLE WHO CAN'T GO IN AND DO
IT

3 JUST BECAUSE THERE ARE NO REGULATIONS. THEY
CAN'T

4 GO IN AND INSPECT THAT FACILITY BECAUSE IT'S
BEEN

5 TERMED A RECYCLING FACILITY. SO THERE ARE NO
REGS.

6 THEY LET THEM IN THERE.

7 SO WHO MAKES A DETERMINATION
WHETHER

8 OR NOT A TIRE PILE IS PRODUCT BEING STORED FOR
9 FUTURE MARKETS OR A WASTE TIRE PILE?

10 MR. SWEETSER: THE TOOL FOR MAKING THAT
11 DETERMINATION --

12 MEMBER JONES: YOU KNOW WHAT I MEAN?
IT'S

13 NOT SEMANTICS. I MEAN IT'S A REAL ISSUE THAT I
14 THINK THIS REG PACKAGE HELPS CLEAR UP.

15 I'M CONFUSED WHY THERE'S SO MUCH
16 RESISTANCE TO THE WORDS "REUSE" AND I HOPE -- I'M

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17 CONFUSED NOW ON RESIDUAL. I DON'T KNOW WHICH
COPY

18 IS OUT THERE, BUT RESIDUAL THAT SAYS FURTHER
19 TRANSFER AND PROCESSING, TO ME, DOESN'T
WORK

20 BECAUSE EVERYTHING IS RESIDUAL THEN. THERE
IS

21 NO -- IT WOULDN'T -- I MEAN IT'S -- YOU
KNOW.

22 MS. RICE: MY CONFUSION IS THAT WHEN
YOU

23 GET TO DISCUSSING INTENT, ALL OF THE PROPOSED
24 DEFINITIONS, OURS, ANY OF THE OTHERS, RAISE THE
25 SAME QUESTION. YOU CAN GET BACK TO INTENT.

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1 IN THE ONE OFFERED, IS THE
PURPOSE

2 RESTORING THE MATERIALS TO A CONDITION OR
POSITION

3 FOR APPLICATION OR EMPLOYMENT IN THE
MARKETPLACE?

4 THAT WAS MY INTENT, SOMEONE COULD SAY. I'M
TRYING

5 TO RESTORE THE MATERIAL. YOU ALWAYS COME BACK
TO

6 THAT, SO THE REGULATIONS THEMSELVES NEED TO BE
7 CRAFTED IN A WAY TO SUPPORT THE OUTCOME. ANY
8 DEFINITION CAN BE MISCONSTRUED.

9 MEMBER JONES: BUT THE FACILITY THAT
WOULD

10 BRING IT TO THE CONDITION TO GO TO THE MARKET IS
11 MUCH DIFFERENT THAN THE GENERATOR OF THE
FACILITY

12 THAT HAS ONE BIN AT THEIR FACILITY AND THEY SAY
MY

13 INTENT IS TO SEND IT OUT TO BE REUSED OR THAT

14 OPERATOR SAYING MY INTENT IS THAT IT GOES TO

15 ANOTHER FACILITY TO BE REUSED EVEN THOUGH

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IT'S

16 RESIDUAL WASTE. YOU KNOW WHAT I'M SAYING?

IT'S

17 THAT --

18 MS. RICE: THERE NEEDS TO BE SOME

ABILITY

19 TO ASCERTAIN WHERE IT ACTUALLY WENT, NOT JUST
THAT

20 SOMEONE SAYS IT IS GOING TO GO SOMEWHERE WHERE
IT

21 WILL BE REUSED OR RECYCLED. WHERE DID IT
ACTUALLY

22 GO? DID IT GO TO A LANDFILL? DID IT GO TO A

23 TRANSFER STATION? WHERE DID IT GO? YET INTENT

24 SHOULDN'T BE THE QUESTION. WHAT ACTUALLY
HAPPENS

25 TO THE MATERIAL SHOULD BE THE QUESTION.

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1 MEMBER JONES: I AGREE. DOROTHY, I AM
NOT

2 IN DISAGREEMENT. I'M BRINGING IT FORWARD THAT
WE

3 SAT HERE AND HEARD THAT GUY SAY THAT A
GENERATOR'S

4 INTENT TO HAVE EVERYTHING RECYCLED MEANS HE CAN
5 BRING HIS LOAD OF GARBAGE TO ME, AND I'LL TRY MY
6 DAMNEDEST TO RECYCLE IT ALL.

7 MS. RICE: AND WE DISAGREE.

8 MEMBER JONES: WE DID, AND I JUST WANT
TO

9 MAKE SURE IT'S CLEAR IN THIS REG PACKAGE BECAUSE
10 I'M NOT CLEAR THAT THAT DOES IT.

11 MS. RICE: WE'RE JUST TRYING TO
UNDERSTAND

12 THE ARGUMENT SO WE CAN FIGURE OUT IF WE CAN MAKE
IT

13 MORE CLEAR.

14 MEMBER JONES: RIGHT. I APPRECIATE
THAT.

15 MR. SWEETSER: LET ME CONCLUDE BY -- I
16 MEAN I THINK PHILOSOPHICALLY WE'RE IN A LOT OF
17 AGREEMENT OF WHAT WE WANT TO TRY TO AVOID

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ALLOWING

18 TO HAPPEN. WE'VE GOT TO COME UP WITH LANGUAGE.
19 WE'RE PROPOSING AND WE THINK THIS TIGHTENS IT
UP,
20 AND I AGREE WITH WHAT MRS. RICE IS MENTIONING
AS
21 FAR AS THE ENFORCEMENT TOOLS AND IT'S HARD TO
22 REGULATE INTENT. BUT WHAT THE LEA'S NEED AND
YOU
23 ALREADY HEARD IT WAS THAT THEY NEED A CLEARER
24 DEFINITION ON WHAT THEY CAN DO. AND WE THINK
WITH
25 THE TWO-PART TEST APPLYING ON THE FRONT END
AND THE

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1 BACK END USING THE DEFINITION OF SEPARATED
FOR
2 REUSE DOES THAT FOR US. IT DOES THAT FOR
OUR
3 FACILITIES THAT ARE WITHIN YOUR AUTHORITY. IT
DOES
4 THAT FOR OUR FACILITIES THAT WE WANT TO REMAIN
5 OUTSIDE YOUR AUTHORITY, THE ONES THAT ARE DOING
THE
6 SAME SORT OF PROCESSING THAT GOES ON OUTSIDE.
7 THE ONLY OTHER NOTE I HAD WAS ON
THE
8 OSHA ISSUE ON THE AUTHORITY. I'M GLAD THAT THE
MOU
9 IS NOT REFERENCED IN THERE. I STILL HAVE A
CONCERN
10 ON HOW THAT REFERRAL HAPPENS. UNTIL I
UNDERSTAND
11 BETTER WHAT THE INTENT WITH OSHA IS ON THAT, I
HAVE
12 A CONCERN ABOUT HAVING, FOR EXAMPLE, IN THE MOU
13 EVERY SINGLE TIME SOMEBODY IS NOT WEARING
SAFETY
14 GLASSES HAVING AN AUTOMATIC REFERRAL TO THE

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15 REGULATORY AGENCY. BY ALL MEANS WANT THE LEA'S
TO

16 LET US KNOW WHEN THERE'S THE PROBLEM, BUT TO
FORCE

17 A MANDATORY REFERRAL ON WHAT MAY OR MAY NOT BE
A

18 VIOLATION, I THINK, WILL BE A PROBLEM

19 OPERATIONALLY.

20 FOR A LOT OF THE OPERATING
STANDARDS,

21 I THINK STAFF HAS DONE AN EXCELLENT JOB IN

22 ADDRESSING A LOT OF OUR CONCERNS. IT'S JUST
UNTIL

23 WE GET THE FUNDAMENTAL DEFINITIONS DONE, IT'S
GOING

24 TO BE A PROBLEM. THANK YOU.

25 CHAIRMAN FRAZEE: OKAY. THANK YOU.

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1 MS. DELMATIER: MR. CHAIRMAN, CHUCK
WHITE
2 HAD TO LEAVE, AND HE GAVE ME HIS PROXY AS WELL
TO
3 EXPRESS HIS STRONG SUPPORT ON BEHALF OF WASTE
4 MANAGEMENT FOR THE PROPOSED DEFINITION THAT I
5 OFFERED THIS AFTERNOON, HOWEVER, WITH THE
ADVISORY
6 THAT WASTE MANAGEMENT ACTUALLY PREFERS THE
STRONGER
7 LANGUAGE THAT WE OFFERED PREVIOUSLY AS FAR AS
8 INCLUDING THE LANGUAGE THAT WAS BORROWED FROM
THE
9 EXISTING STATUTORY LANGUAGE, THE DEFINITION OF
10 RECYCLING, THE RETURNING TO ECONOMIC MAINSTREAM.
11 SO THEY ACTUALLY PREFER THAT, BUT IN STRONG
SUPPORT
12 OF THE PROPOSAL THAT I'VE OFFERED.

13 CHAIRMAN FRAZEE: OKAY. THANK YOU. DO
WE
14 HAVE ANYONE ELSE TO BE HEARD? LET'S TAKE A
15 FIVE-MINUTE BREAK.

16 (A RECESS WAS TAKEN.)

17 CHAIRMAN FRAZEE: WE ARE READY TO

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18 PROCEED. WE SEEM TO HAVE DEVELOPED AN EXTENSIVE
19 LIST OF SPEAKERS DURING THE BREAK. LET'S START
20 WITH RICK BEST.

21 MR. BEST: THANK YOU, CHAIRMAN FRAZEE
AND

22 COMMITTEE MEMBERS. RICK BEST, POLICY DIRECTOR
FOR

23 CALIFORNIANS AGAINST WASTE. AND I FIRST WANT
TO

24 APPLAUD THE STAFF IN TERMS OF TRYING TO WORK
WITH

25 FOLKS AND TRYING TO WORK OUT SOME OF THE
ISSUES.

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1 WE INITIALLY, WHEN THE REGULATIONS WERE FIRST
2 DRAFTED, HAD A NUMBER OF CONCERNS. AND I THINK
A

3 LOT OF THOSE CONCERNS HAVE BEEN ADDRESSED.
4 CERTAINLY APPRECIATE THE STAFF'S WORK ON THAT.

5 WE'RE SUPPORTIVE OF THE
REGULATIONS

6 BEING MOVED FORWARD AT THIS POINT FOR COMMENT
7 PERIOD AS DRAFTED. I THINK THERE'S -- WE WOULD
8 LIKE TO SEE THE DEFINITIONS THAT ARE CURRENTLY
IN

9 THE DRAFT REGULATIONS BE MAINTAINED. WE THINK
10 THEY'RE APPROPRIATE. WE THINK THEY ARE
CONSISTENT

11 WITH THE BOARD POLICY THAT WAS ADOPTED IN 1995
AND

12 ARE CERTAINLY CONSISTENT WITH THE STATUTES THAT
13 GOVERN THE WASTE BOARD.

14 YOU KNOW, JUST WITH REGARDS TO
THE

15 ISSUES OF THE DEFINITIONS, I THINK, YOU KNOW,
WE

16 NEED TO THINK BACK WITH REGARDS TO TWO YEARS
AGO

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17 WHEN MIKE KUHN AND STAFF HAD GONE OUT AND LOOKED
AT
18 THESE FACILITIES. FRANKLY, WHEN THEY CAME BACK,
19 THEY SAID THERE IS A DIFFERENCE BETWEEN THOSE
20 FACILITIES THAT ARE TAKING SOURCE SEPARATED
21 MATERIALS AND THOSE THAT AREN'T. AND I THINK
THE
22 STAFF REALLY DID SEE THAT THERE IS A
DIFFERENCE,
23 AND I THINK, AS DOROTHY AND SOME OF THE MEMBERS
24 HAVE POINTED OUT, IT'S REALLY GOING TO BE AN
25 ENFORCEMENT ISSUE, AND IT'S GOING TO BE GETTING

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1 LEA'S TRAINED TO LOOK AT FACILITIES AND BEING
ABLE
2 TO DISTINGUISH BETWEEN THOSE FACILITIES. I
DON'T
3 THINK IT'S A DEFINITIONAL ISSUE. I THINK IT'S
JUST
4 GAINING THAT EXPERIENCE AND BEING ABLE TO SEE
THAT
5 A FACILITY TRULY IS TAKING SOURCE SEPARATED
6 MATERIALS OR A FACILITY IS NOT.
7 SO WITH THAT, I WOULD CERTAINLY
8 SUPPORT MAINTAINING THE DEFINITIONS THAT ARE
9 CURRENTLY IN THE REGULATIONS.
10 I DO WANT TO RAISE ONE ISSUE AND
11 THAT'S WITH REGARDS TO SOME LANGUAGE IN THE
12 REGULATIONS ON PAGE 6, I BELIEVE, WITH REGARDS
TO
13 RECYCLING CENTER. THERE'S SOME LANGUAGE THAT
WAS
14 INCLUDED THAT REFERRING TO, FOR EXAMPLE,
CANNERY
15 WASTE, CONSTRUCTION-DEMOLITION MATERIALS, THAT
SORT

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16 OF THING, AND THOSE ARE -- MY UNDERSTANDING WAS
THE

17 INTENT WAS TO IDENTIFY THAT THESE ARE MATERIALS

18 THAT ARE GOING TO BE TREATED IN SEPARATE
REGULATORY

19 PACKAGES BY THE BOARD. OBVIOUSLY COMPOSTING IS
ONE

20 OF THOSE THAT ALREADY HAS BEEN DONE.

21 I JUST THINK IT'S IMPORTANT TO
MAKE

22 SURE IT'S CLEAR THAT THIS IS NOT SAYING WHETHER
OR

23 NOT THEY WILL BE REGULATED BY THE BOARD, JUST
THAT

24 THEY ARE GOING TO BE IN THE SEPARATE REGULATORY

25 PACKAGES BECAUSE THE WAY IT'S WORDED SUGGESTS
THAT

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1 THEY WILL BE REGULATED BY THE BOARD.

2 AND, YOU KNOW, OBVIOUSLY, FOR
3 EXAMPLE, CONSTRUCTION AND DEMOLITION MATERIALS,
4 THAT'S A PROCESS THAT THE BOARD'S GOING TO HAVE
TO

5 GO THROUGH FIRST. SO I THINK JUST MAKING SURE
IT'S

6 CLEAR THAT THESE ARE GOING TO BE ADDRESSED IN
7 SEPARATE REGULATORY PACKAGES. SO WITH THAT,
THAT

8 CONCLUDES MY COMMENTS.

9 CHAIRMAN FRAZEE: OKAY. THANK YOU.

10 MEMBER JONES: CAN I ASK MR. BEST A
11 QUESTION. RICK, IS THERE A PROBLEM WITH
DEFINING

12 REUSE?

13 MR. BEST: A PROBLEM WITH DEFINING
REUSE?

14 I DON'T HAVE A PROBLEM DEFINING REUSE. I GUESS
MY

15 CONCERN IS THAT I THINK THE DEFINITIONS THAT ARE
IN

16 THESE REGULATIONS, I THINK, ARE ENTIRELY

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17 APPROPRIATE. I THINK IT'S VERY CLEAR THAT
18 SEPARATED FOR REUSE ARE THOSE MATERIALS THAT
HAVE
19 BEEN SEPARATED EITHER AT THE POINT OF GENERATION
OR
20 AT A FACILITY FOR THE PURPOSE OF RECYCLING OR
21 REUSE. I THINK IT'S A VERY CLEAR DEFINITION.
22 I THINK THE DEFINITIONS THAT
HAVE
23 BEEN SUGGESTED TODAY, I DON'T THINK THEY'RE
QUITE
24 AS CLEAR, AND I FRANKLY -- SOME CONCERNS HAVE
BEEN
25 RAISED ABOUT, YOU KNOW, IS THIS GETTING THE
WASTE

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1 BOARD INVOLVED IN MARKETPLACE ISSUES OR THAT
SORT

2 OF THING. WE HAVE SOME CONCERNS ABOUT THAT, SO
3 WE'D LIKE TO SEE THE DEFINITIONS THAT ARE
CURRENTLY

4 IN THE REGULATIONS BE THE ONES THAT MOVE
FORWARD.

5 MEMBER JONES: OKAY. BUT IF I HAVE
6 CONFUSION ABOUT REUSE, THEN WOULDN'T THE AVERAGE
--

7 WELL, I'M NOT THAT SMART, BUT WOULDN'T AN AWFUL
LOT

8 OF PEOPLE CONTINUE TO HAVE A QUESTION ABOUT WHAT
9 REUSE MEANS?

10 MR. BEST: WELL, I MEAN I THINK -- THE
11 THING IS -- I MEAN SOMEONE THAT WANTS TO GET OUT
OF

12 THE REGULATIONS, THEY'RE GOING TO TRY TO DO
THAT.

13 WHATEVER THE BOARD SETS AS A REGULATION, SOMEONE
IS

14 GOING TO TRY AND FIND A WAY TO GET OUT OF IT.

AND

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15 SO I THINK -- I DON'T THINK YOU CAN WRITE
REGULA-

16 TIONS THAT PREVENT PEOPLE FROM TRYING TO DO
THAT.

17 IT'S A MATTER OF DO THE REGULATIONS ALLOW FOR
THE

18 LEA'S TO TAKE THE ACTION THAT'S NECESSARY TO
VERIFY

19 WHETHER OR NOT THEY'RE HANDLING MATERIALS THAT
MEET

20 THE TWO-PART TEST.

21 SO I THINK THE ENACTMENT OF THESE
22 REGULATIONS WILL DO THAT BY ALLOWING, YOU KNOW,
AN

23 LEA TO GO TO THE FACILITY AND SAY, "HEY. ARE
YOU,

24 IN FACT, TAKING SOURCE SEPARATED MATERIALS? ARE

25 YOU, IN FACT, MEETING THE 10-PERCENT RESIDUE?"

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1 WHEREAS, WITHOUT THESE REGULATIONS IN PLACE,
2 IT'S -- THEY'RE NOT ABLE TO DO THAT. SO I THINK

--

3 I DON'T THINK IT'S A MATTER OF DEFINITIONAL
ISSUES.

4 I THINK IT'S A MATTER OF HAVING REGULATIONS IN
5 PLACE AND HAVING THE LEA'S PREPARED TO TAKE
ACTION

6 WHEN IT'S NECESSARY.

7 MEMBER JONES: I UNDERSTAND THAT, BUT,
YOU

8 KNOW, I LOOKED THROUGH FOUR PAGES OF DEFINITIONS
OR

9 ACTUALLY SEVEN PAGES OF DEFINITIONS. WE DEFINE
10 WHAT HAZARDOUS WASTE IS. WE DEFINE WHAT NOISE
IS.

11 WE DEFINE WHAT LITTER IS. WE DEFINE WHAT
12 MATERIAL -- OR WHAT A NUISANCE IS, BUT WE DON'T
13 DEFINE WHAT REUSE IS. IT SEEMS THAT THAT IS
NOT

14 CONSISTENT WITH OUR AMOUNT OF TRYING TO MAKE
SURE

15 THAT EVERYBODY UNDERSTANDS WHAT THESE WORDS

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MEAN,

16 BUT THE ONE WORD THAT'S IN CONTENTION, WE
DON'T

17 WANT TO DEFINE BECAUSE I DON'T UNDERSTAND A

18 RESISTANCE TO DEFINING A WORD, YOU KNOW, LIKE -
- I

19 UNDERSTAND IT, BELIEVE ME, BUT I HAVE TROUBLE
WITH

20 UNDERSTANDING.

21 MR. BEST: THERE'S A SIMILAR --
THERE'S

22 ANOTHER REGULATORY ISSUE GOING ON AT THE WATER
23 BOARD, AND THE WATER BOARD DOESN'T EVEN DEFINE
24 SOLID WASTE.

25 MEMBER JONES: THERE'S A LOT OF
PEOPLE

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1 THAT DON'T. THANKS. I APPRECIATE IT.

2 CHAIRMAN FRAZEE: OKAY. THANK YOU.
FOR

3 PURPOSES OF EX PARTE COMMUNICATION DISCLOSURE,
I

4 HAD A BRIEF OFF-THE-RECORD CONVERSATION WITH
BOTH

5 DIANE KELLY AND TIM FLANNIGAN DURING THE
BREAK.

6 MEMBER JONES: AND I WITH DENISE
7 DELMATIER, LARRY SWEETSER, AND A QUICK ONE
WITH

8 DAVID ALTMAN.

9 MEMBER RELIS: I WASN'T AS BUSY AS
YOU

10 GUYS.

11 CHAIRMAN FRAZEE: OKAY. NOW KAREN
JARRELL

12 REPRESENTING JEFFERSON SMURFIT.

13 MS. JARRELL: KAREN JARRELL WITH
JEFFERSON

14 SMURFIT AND SMURFIT RECYCLING. I WILL BE VERY

15 BRIEF BASICALLY BECAUSE I DON'T HAVE MUCH OF

A

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16 VOICE RIGHT NOW. BUT WE DO SUPPORT THE
REMARKS

17 THAT RICK BEST ON BEHALF OF CALIFORNIANS
AGAINST

18 WASTE JUST MADE, SUPPORT THE IDEA OF THESE
REGS

19 GOING OUT FOR A 45-DAY COMMENT PERIOD.

20 CHAIRMAN FRAZEE: OKAY. THANK YOU.
DIANE

21 KELLY REPRESENTING WEYERHAEUSER.

22 MS. KELLY: MR. CHAIRMAN, COMMITTEE

23 MEMBERS, I'M DIANE KELLY. I REPRESENT
WEYERHAEUSER

24 COMPANY. WE SUPPORT GOING OUT FOR A 45-DAY
NOTICE

25 ON THESE REGS. THANK YOU.

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1 CHAIRMAN FRAZEE: OKAY. ANDY
LEACHMAN,

2 ASSOCIATION OF CALIFORNIA RECYCLING
INDUSTRIES.

3 MR. LEACHMAN: HELLO. I'M SPEAKING
ON

4 BEHALF OF THE MEMBERSHIP OF THE ASSOCIATION
OF

5 CALIFORNIA RECYCLING INDUSTRIES. NO. 1, I WANT
TO

6 COMMEND STAFF. THEY REALLY HAVE MADE EFFORTS
OVER

7 THE MONTHS TO WORK WITH US. I WORK WITH THE
SOLID

8 WASTE PEOPLE, SO WE APPRECIATE THAT.

9 WE SUPPORT RICK BEST'S COMMENTS
ON

10 BEHALF OF CALIFORNIANS AGAINST WASTE, SUPPORT
FULLY

11 THE BOARD APPROVED DEFINITIONS FOR SOURCE
SEPARATED

12 AND SEPARATED FOR REUSE, FULLY SUPPORT THE TWO-
PART

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13 TEST TO DETERMINE IF A FACILITY IS IN OR OUT OF
14 THE
15 SOLID WASTE TIERS, AND ALSO SUPPORT GOING OUT
16 FOR
17 THE 45-DAY PUBLIC COMMENT.

18 CHAIRMAN FRAZEE: QUESTIONS? THANK
19 YOU.

20 TIM FLANNIGAN REPRESENTING ESRI.

21 MR. FLANNIGAN: HI. TIM FLANNIGAN ON
22 BEHALF OF THE INSTITUTE OF SCRAP RECYCLING
23 INDUSTRIES. WE TOO WANT TO COMMEND STAFF FOR
24 WORKING AS HARD AS THEY HAVE ON THIS ISSUE, AND
25 WE
26 ALSO SUPPORT THE BOARD PUTTING THESE OUT FOR A
27 45-DAY COMMENT PERIOD. WE RESERVE THE RIGHT TO
28 MAKE ANY ADDITIONAL COMMENTS SHOULD WE HAVE
29 SECOND

30 THOUGHTS ON ANYTHING THAT WE SEE TO RECONSIDER,
31 BUT

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1 WE CERTAINLY ENCOURAGE YOU TO MOVE FORWARD.

2 CHAIRMAN FRAZEE: OKAY. THANK YOU.

AND

3 FINALLY DAVID ALTMAN, PLACER COUNTY LEA.

4 MR. ALTMAN: I'M SORT OF SPEAKING ON

5 BEHALF OF PLACER COUNTY, AND I'M SORT OF
SPEAKING

6 ON BEHALF OF MYSELF.

7 THE -- I KNOW THAT MY SUPERIORS

8 AREN'T IN TOTAL AGREEMENT WITH THE 10-PERCENT
RULE,

9 BUT IT SOUNDS FROM THE DISCUSSIONS THAT IT'S A
DONE

10 DEAL. OVERALL I THINK THE REGULATIONS ARE
PRETTY

11 WELL WRITTEN. WE THINK THAT THERE ARE --
THEY'RE

12 SOMEWHAT CUMBERSOME IN THE DEFINITIONS. IT'S
KIND

13 OF FRIGHTENING WHEN YOU SEE MORE DEFINITION THAN

14 YOU SEE REGULATIONS TO FOLLOW. BUT WE WOULD

15 SUPPORT IT AS IS.

16 JUST FOR CLARIFICATION, ON THE
ISSUE

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17 OF -- ISSUE OF PLACER COUNTY'S RECYCLING
FACILITY

18 THAT'S COME UP, THE PROBLEM WE'VE ENCOUNTERED
THERE

19 IS WE GO IN AND WE SAY, "SHOW US THAT YOU ARE
NOT

20 GENERATING MORE THAN 10 PERCENT RESIDUAL," AND
HE

21 SAYS, "WE DON'T HAVE TO. GO AWAY." AND SO I
THINK

22 ULTIMATELY WITH THE IMPLEMENTATION OF THESE

23 REGULATIONS, THAT WILL GIVE US THE ABILITY TO
PUT

24 THE BURDEN UPON HIM TO SHOW THAT RESIDUAL. AND
FOR

25 THAT REASON WE WOULD AGAIN ENCOURAGE THE REGULA-

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1 TIONS MOVE FORWARD, AND WE WOULD SUPPORT THE 45-
DAY

2 REVIEW PERIOD PROPOSED.

3 CHAIRMAN FRAZEE: THANK YOU.

QUESTIONS?

4 APPARENTLY NOT. THAT CONCLUDES OUR LIST OF
5 SPEAKERS.

6 MS. RICE: MR. CHAIRMAN, I DID HAVE A
7 COMMENT THAT SOMEONE ASKED US TO READ INTO
THE

8 RECORD. THIS IS FROM REBECCA NG, CONTRA
COSTA

9 COUNTY LEA. COMMENTS ARE, "I CONCUR WITH
RICHARD

10 HANSON. PLEASE GIVE EA'S CLEAR AUTHORITY IN
11 DETERMINING WHAT SHOULD BE REGULATED. THE
12 VOLUNTARY REPORTING FORM IS ONE STANDARDIZED WAY
OF

13 OBTAINING THE PERTINENT INFORMATION. THESE
14 REGULATIONS ARE NEEDED AS SOON AS POSSIBLE.
CONTRA

15 COSTA COUNTY HAD AN ILLEGAL NONPERMITTED MRF
THAT

16 CLAIMED TO BE A RECYCLING CENTER. THE

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REGULATION

17 AS CURRENTLY EXISTS OR SOMETHING SIMILAR WOULD
HAVE

18 GIVEN THE LEA SOME STANDARDS AND THE AUTHORITY
TO

19 OBTAIN A CEASE AND DESIST ORDER IN A TIMELY
20 MANNER. I SUPPORT LEAVING THE DEFINITION OF
MEDIUM

21 VOLUME TRANSFER/PROCESSING FACILITY AS IT IS
22 CURRENTLY WRITTEN AND IN THE REGISTRATION TIER.

23 CHAIRMAN FRAZEE: OKAY. THANK
YOU. THE

24 ITEM IS BEFORE US, MEMBERS.

25 MEMBER RELIS: MR. CHAIR, I'LL
MOVE THAT

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1 WE SEND THE REGULATIONS OUT FOR 45-DAY
COMMENT

2 PERIOD. I'M HEARTENED BY THE COMMENTS BY
THE

3 LEA'S, THAT IF THESE REGULATIONS ARE AVAILABLE,
4 THEY'LL BE ABLE TO ENFORCE MORE VIGOROUSLY. I
HOPE

5 THAT'S TRUE.

6 CHAIRMAN FRAZEE: I WILL SECOND THE
7 MOTION.

8 MEMBER JONES: I'D LIKE TO MAKE A --
FOR

9 DISCUSSION. I HAVE A COUPLE OF QUESTIONS. ON
10 RESIDUAL ON 27, IT'S PAGE 7, WHERE IT SAYS
RESIDUAL

11 MEANS SOLID WASTE DESTINED FOR DISPOSAL, FURTHER
12 TRANSFER/PROCESSING, OR TRANSFORMATION THAT
REMAINS

13 AFTER PROCESSING HAS TAKEN PLACE AND IS
CALCULATED

14 IN THE PERCENT AS A WAY TO...RESIDUAL DIVIDED BY
15 THE TOTAL INCOMING WEIGHT OF THE MATERIAL. ARE
WE

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16 GOING TO -- IS IT THE INTENTION TO LEAVE
FURTHER

17 TRANSFER AND PROCESSING AS PART OF THE
DEFINITION

18 OF RESIDUAL WASTE?

19 MS. REYNOLDS: YES, IT IS.

20 MEMBER JONES: SO ANYBODY THAT HAS
-- WHAT

21 ARE WE MEASURING THEN IS MY QUESTION. IF
IT'S

22 GOING TO BE FURTHER PROCESSED, THEN IT IS
SEPARATED

23 FOR REUSE, RIGHT?

24 MR. BLOCK: NO. IF IT'S GOING TO
BE

25 FURTHER PROCESSED, THEN IT'S RESIDUAL. THIS
WOULD

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1 FOLLOW THE --

2 MEMBER JONES: IF IT'S WHAT?

3 MR. BLOCK: IF IT'S GOING TO
FURTHER

4 TRANSFER OR PROCESSING, IT WOULD BE
RESIDUAL. IF

5 IT'S GOING TO DISPOSAL OR TRANSFORMATION OR
ANOTHER

6 TRANSFER/PROCESSING --

7 MEMBER JONES: THEN WHAT IS IT?

8 MR. BLOCK: THEN IT'S RESIDUALS.

9 MEMBER JONES: SO IT CAN EITHER GO
TO

10 ANOTHER TRANSFER STATION, ANOTHER FACILITY
ANYWHERE

11 IN THE SYSTEM, AND IT'S ALL RESIDUAL. IF
THERE IS

12 NO MORE STUFF THAT'S GOING TO GO TO A
LANDFILL OR A

13 TRANSFORMATION FACILITY IT'S CONSIDERED
RESIDUAL.

14 MS. RICE: THEY ALL ARE.

15 MR. BLOCK: THEY WOULD ALL BE
RESIDUAL.

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16 MEMBER JONES: THAT'S MY QUESTION.

THAT'S

17 WHAT I'M TRYING TO GET AT. I DON'T
UNDERSTAND HOW

18 A MATERIAL THAT HAS BEEN SEPARATED, A
PROCESS HAS

19 HAPPENED, IT GOES INTO A TRAILER, IT IS
DESTINED --

20 IT USED TO BE DESTINED -- RESIDUAL WASTE
USED TO BE

21 CONSIDERED THE WASTE THAT WAS GOING TO GO TO
A

22 LANDFILL OR TO A TRANSFORMATION FACILITY.
NOW WE

23 ARE SAYING THAT THAT WASTE CAN YET GO TO
ANOTHER

24 PROCESSING FACILITY.

25 MS. RICE: AND BE REGULATED. THIS
IS IN A

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1 SENSE THE EFFORT TO GET AT THE ISSUE THAT
MR .

2 SWEETSER WAS RAISING THAT SOMEONE COULD
3 INDEFINITELY JUST MOVE GARBAGE AROUND AND
SAY ,

4 "IT'S NOT -- WE'RE NOT DONE WITH IT YET.
WE'RE

5 GOING TO PROCESS IT A LITTLE MORE AND WE'LL GET
THE

6 RESIDUAL DOWN." THIS IS SAYING THAT IF THE
WASTE

7 IS GOING OFF SITE FOR DISPOSAL OR FURTHER

8 PROCESSING AND TRANSFER, THAT'S THE RESIDUAL
NUMBER

9 THAT WOULD COUNT. AND YOU WOULD FAIL THE TWO-
PART

10 TEST IF THAT NUMBER WAS OVER 10 PERCENT. SO
THIS

11 IS AN EFFORT TO ADDRESS THE ISSUE RAISED BY MR.

12 SWEETSER, NOT THE INVERSE.

13 MEMBER JONES: IT JUST -- IF IT'S
BEEN

14 SEPARATED, THOUGH, FOR FURTHER PROCESSING,

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HASN'T

15 IT BEEN SOURCE SEPARATED?

16 MS. RICE: THIS IS THE RESIDUAL.

17 MEMBER JONES: I UNDERSTAND. BUT
YOU'VE

18 SEPARATED IT ONCE. YOU'VE GOT TWO PRODUCTS
HERE.

19 NOW YOU ARE GOING TO TAKE WHAT'S LEFT AND PUT
IT

20 INTO ANOTHER FACILITY. HASN'T THAT BEEN --

21 WOULDN'T THOSE MATERIALS BE SOURCE
SEPARATED?

22 MR. BLOCK: ARGUABLY IT WOULD BE,
AND

23 THAT'S WHY RESIDUAL IS THE SECOND PART OF THE
TEST

24 BECAUSE THAT WOULD INDICATE IF IT HAS TO GO FOR

25 FURTHER TRANSFER/PROCESSING, THERE IS STILL A

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1 SIGNIFICANT AMOUNT OF SOLID WASTE IN THAT
MATERIAL;

2 AND, THEREFORE, EVEN THOUGH SOMEBODY COULD
ARGUABLY

3 SAY, "WELL, THIS MATERIAL HAS BEEN SOURCE
4 SEPARATED," IT REALLY HASN'T BEEN BECAUSE IT
STILL

5 HAS TO GO FOR FURTHER TRANSFER/PROCESSING. AND
6 THAT'S WHAT THAT -- THAT'S WHAT THAT'S GETTING
AT.

7 IF THERE ARE SOME ADDITIONAL WORDS
WE

8 CAN ADD TO FURTHER MAKE MORE SPECIFIC WHAT
9 TRANSFER/PROCESSING MEANS, WE CAN CERTAINLY ADD
TO

10 THAT. THAT WAS DESIGNED SPECIFICALLY TO DEAL
WITH

11 THAT ISSUE OF SORT OF A SERIES OF LESS THAN --
12 SERIES OF PROCESSING FACILITIES.

13 MS. RICE: ONE SUGGESTION WE HAVE -- I
14 DON'T KNOW IF IT ASSISTS -- WE COULD REFERENCE
15 RIGHT THERE THE DEFINITION OF FURTHER TRANSFER
AND

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16 PROCESSING, WHICH IS ONE OF THE DEFINITIONS
17 PROVIDED TO SHOW WHAT'S INTENDED BY THAT. IT
18 WASN'T EVER TO CLOSE A LOOPHOLE. IF IT
HASN'T BEEN

19 DONE PROPERLY, WE CAN DO IT BETTER.

20 MEMBER JONES: I CAN JUST SEE
EVERYTHING

21 BEING JUST MOVED AROUND. I JUST DON'T SEE IT
22 CLOSING. I MEAN RESIDUAL IS RESIDUAL.

23 MS. RICE: SO THAT'S WHAT THAT'S
DOING.

24 CHAIRMAN FRAZEE: I THINK YOU'RE
READING

25 IT BACKWARDS.

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1 MS. RICE: RIGHT. IT'S SAYING IF
IT'S
2 JUST MOVING AROUND, THEN YOU FAILED THE TWO-
PART
3 TEST. YOU'VE GOT TO HAVE IT GOING SOMEWHERE
WHERE
4 IT'S RECYCLED OR REUSED. IF IT'S GOING FOR
FURTHER
5 PROCESSING TO GET READY TO BE RECYCLED OR
REUSED,
6 THEN WE GET BACK TO THAT INTENT QUESTION, IT
7 DOESN'T CUT IT.

8 MEMBER JONES: OKAY. AND THEN WE'RE
NOT

9 GOING TO ADD A DEFINITION OF REUSE?

10 MS. RICE: WE DID NOT HEAR THAT
DIRECTION

11 FROM THE COMMITTEE.

12 MEMBER JONES: I'M ASKING THE OTHER
13 COMMITTEE MEMBERS IF WE ARE GOING TO.

14 CHAIRMAN FRAZEE: I'M STILL OPEN TO
15 DEALING WITH THAT ISSUE, BUT I THINK THAT CAN
BE

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16 DONE WITHIN THE 45-DAY COMMENT PERIOD.

17 MEMBER RELIS: I'M OPEN TO HEARING
18 THAT

18 TOO, BUT AT THIS POINT I THINK WE NEED TO
19 MOVE THIS

19 ALONG. IF THERE IS ANY FURTHER
20 CLARIFICATION, I'D

20 HAVE TO BE PERSUADED THAT SOMEHOW BY DOING
21 THAT, IT

21 WOULD IMPROVE OUR ENFORCEMENT CAPABILITY. I
22 THINK,

22 AS RICK BEST PUT IT, IT'S AN ENFORCEMENT
23 PROBLEM.

23 I STILL -- SO IF IT WILL HELP US GET AT IT
24 AND FIND

24 A WAY, OKAY, BUT --

25 MS. RICE: WE CAN CERTAINLY WORK
DURING

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1 THE COMMENT PERIOD TO GET THESE PARTIES BACK
2 TOGETHER AND LOOK AT DIFFERENT WAYS OF
DEFINING

3 REUSE. THERE'S NOT AN OBJECTION TO DEFINING
THE

4 TERM. THERE JUST ISN'T CONSENSUS ON THE WORDS
TO

5 USE.

6 MEMBER JONES: OKAY.

7 MS. RICE: SPEAKING FOR MYSELF, NOT
ANYONE

8 ELSE.

9 CHAIRMAN FRAZEE: ANYTHING ELSE?

10 MEMBER JONES: NO. THAT'S ENOUGH FOR
11 NOW.

12 MEMBER RELIS: SO THE MOTION.

13 CHAIRMAN FRAZEE: THE MOTION AND I
14 SECONDED. I BELIEVE IT'S ON THE RECORD. AND
THE

15 MOTION IS TO SEND THE DRAFT REGULATIONS OUT FOR
THE

16 45-DAY COMMENT PERIOD. SECRETARY WILL CALL THE
17 ROLL ON THAT, PLEASE.

18 THE SECRETARY: BOARD MEMBER RELIS.

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19 MEMBER RELIS: AYE.

20 THE SECRETARY: BOARD MEMBER JONES.

21 MEMBER JONES: NO.

22 THE SECRETARY: CHAIRMAN FRAZEE.

23 CHAIRMAN FRAZEE: AYE. MOTION IS

24 CARRIED. AND THIS ONE WILL APPARENTLY GO --

NO.

25 EVEN THOUGH IT'S A SPLIT VOTE -- THIS DOESN'T

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1 NEED TO TO GO TO FULL BOARD.

2 MS. RICE: ORDINARILY THESE ITEMS DO
NOT

3 GO TO THE BOARD.

4 CHAIRMAN FRAZEE: OKAY. NOW WE NEED
TO

5 JUMP BACK TO ITEM 12, CONSIDERATION OF LEGAL
6 AUTHORITY ISSUES AND STAFF OPTIONS RELATING TO
7 ORGANICS REGULATIONS.

8 MR. BLOCK: I'M ELLIOT BLOCK WITH THE
9 LEGAL OFFICE, AND I'M PRESENTING ITEM NO. 12,
10 CONSIDERATION OF LEGAL AUTHORITY ISSUES AND
STAFF

11 OPTIONS RELATING TO ORGANICS REGULATIONS. I'LL
TRY

12 TO KEEP THIS FAIRLY CONCISE. THAT WAS A HARD
ACT

13 TO FOLLOW, THE LAST ITEM.

14 THE ORGANICS TIER PACKAGE IS THE
15 LATEST IN THE SERIES OF TIER PACKAGES WE'RE
16 BRINGING FORWARD. THIS ONE IS SOMEWHAT
DIFFERENT

17 THAN SOME OF THE PACKAGES WE'VE DEALT WITH IN
THE

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18 PAST IN THAT WE HAVE -- IN A SENSE WE ARE
19 REVISITING THIS GENERAL TOPIC AREA PROBABLY FOR
THE
20 THIRD OR FOURTH TIME OVER THE COURSE OF THE LAST
21 THREE YEARS. THE CONTEXT WITHIN WHICH WE'RE
22 WORKING IS THE COMPOST REGULATIONS. AND, OF
23 COURSE, WE ADOPTED COMPOST REGULATIONS IN 1993
AND
24 THEN IN 1995, AND WE MODIFIED THOSE REGULATIONS
25 SOMEWHAT, THE CHIPPING AND GRINDING REGULATIONS.

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1 THE SCOPE OF THE ORGANICS TIER
2 PACKAGE REALLY SPANS FOUR ISSUES. I'M HAVING TO
3 LOOK BACK AND FORTH BECAUSE THE MONITOR IS
HAVING A
4 VERTICAL HOLD PROBLEM. BASICALLY THE PRIMARY
GOAL
5 OF THE -- THIS TIER PACKAGE IS TO SLOT THE
CHIPPING
6 AND GRINDING AND STORAGE OPERATIONS AND
FACILITIES
7 WHICH WE HAD SUBJECTED TO SOME STANDARDS IN
THOSE
8 REGULATIONS, BUT WE HAD CONSCIOUSLY DECIDED THAT
WE
9 WANTED TO TAKE A LONGER PERIOD OF TIME TO DECIDE
10 THE APPROPRIATE LEVEL OF REGULATION FOR THEM.
11 IN ADDITION, SINCE WE'RE IN THE
12 COMPOST REGULATIONS, WE ALSO HAD SOME COMMENT
AT
13 THE SERIES OF ORGANIC RECYCLING WORKSHOPS
WE'VE
14 DONE OVER THE LAST YEAR INDICATING THAT WE
SHOULD

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15 GO AHEAD AND TAKE THIS OPPORTUNITY TO MAKE
16 SOME

16 REVISIONS TO SOME OF THE TESTING AND SAMPLING
17 PROVISIONS FOR HEAVY METALS AND PATHOGEN
18 REDUCTION,

18 SO THOSE WILL ALSO BE INCLUDED.

19 WE'RE GOING TO BE LOOKING AT
20 WHETHER

20 OR NOT WE NEED TO ADD SOME ADDITIONAL PROVISIONS
21 IN

21 THOSE REGULATIONS REGARDING HOW TO DEAL WITH
22 ODOR

22 COMPLAINTS. THE SB 675, WHICH WAS SIGNED THIS
23 YEAR, WHICH EXTENDED THE PERIOD OF TIME IN
24 WHICH

24 THE BOARD WAS RESPONSIBLE FOR PLACING
25 COMPOSTING

25 OPERATIONS AND FACILITIES, ALSO HAS SOME
ADDITIONAL

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1 PROVISIONS REGARDING REFERRALS BACK AND FORTH
2 BETWEEN THE LEA'S AND THE AIR DISTRICTS AND
3 REQUIREMENTS FOR A I BELIEVE IT REFERS TO IT
AS A

4 WORKING GROUP TO COME UP WITH SOME STANDARDS
AND
5 SOME REFERRAL MODES AND SOME PROCEDURES.

6 SO WE'RE GOING TO BE LOOKING AT
7 WHETHER WE CAN DEAL WITH SOME OF THESE ISSUES
IN

8 THIS REGULATIONS PACKAGE. IT ACTUALLY HAS
SOME

9 DEADLINES OUT TO 1999 AND THE YEAR 2000; BUT AS
THE

10 SCHEDULE STANDS RIGHT NOW, THIS REGULATION
PACKAGE

11 IS PROJECTED TO HAVE AN EFFECTIVE DATE OF JULY
OF

12 1999. SO WE'RE OVERLAPPING WITH THAT TIME
PERIOD

13 ANYWAY. SO THE EXTENT THAT WE CAN TAKE CARE OF
14 SOME OF THOSE ISSUES, WE WILL.

15 AND THEN FINALLY, AND THE ISSUE

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16 THAT'S REALLY THE FOCUS OF THIS ITEM, WE WANT TO
BE

17 LOOKING AT MAKING SOME -- DRAWING SOME
REGULATORY

18 PROVISIONS TO ENABLE SOME DETERMINATION TO BE
MADE

19 ABOUT WHEN A MATERIAL BECOMES A COMMODITY, WHEN
20 SOMETHING EXITS THE SYSTEM, IF YOU WILL. THIS
WAS

21 AN ISSUE THAT, AS YOU KNOW, WAS DISCUSSED --

22 RECEIVED A FAIR AMOUNT OF DISCUSSION IN THE

23 CHIPPING AND GRINDING REGULATIONS, PARTICULARLY
THE

24 PERMANENT REGULATIONS. AND THAT'S REALLY THE
FOCUS

25 OF THE ITEM HERE TODAY.

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1 AND I SHOULD MENTION ALL OF THE
2 OVERHEADS THAT I HAVE HERE ARE REALLY JUST
EXCERPTS
3 FROM THE AGENDA ITEM THAT IS BEFORE YOU.
BASICALLY
4 STATED IN ONE SENTENCE, WE'RE LOOKING AT TRYING
TO
5 PROVIDE A MECHANISM FOR DETERMINING THE POINT AT
6 WHICH ORGANIC MATERIAL WHICH MIGHT OTHERWISE BE
7 WITHIN THE BOARD'S JURISDICTION IS NO LONGER
WITHIN
8 THAT JURISDICTION BECAUSE THE MATERIAL CAN BE
9 CONSIDERED A COMMODITY.
10 I WILL BRIEFLY MENTION ORGANICS
11 ITSELF IS, AS I THINK YOU ARE AWARE, IS A FAIRLY
12 BROAD TERM. JUST FOR THE PURPOSES OF STARTING
TO
13 SCOPE OUT THIS DEFINITION AS WE MOVE FORWARD
WITH
14 THE PACKAGE, WE'VE COME UP WITH A DEFINITION,
AND
15 THIS IS IN THE AGENDA ITEM AS WELL, CARBON
BASE

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16 MATERIAL THAT READILY DECOMPOSES BIOLOGICALLY
OR
17 DUE TO EXPOSURE TO HEAT AND/OR LIGHT AND WHICH
MAY
18 BE USED AS FEEDSTOCK. THERE'S ALSO A LIST OF
TYPES
19 OF MATERIAL.

20 WE FULLY EXPECT TO BE RECEIVING A
LOT
21 OF COMMENTS AS WE MOVE THROUGH TRYING TO DRAFT
SOME
22 REGULATIONS ON WHAT THAT DEFINITION SHOULD OR
23 SHOULDN'T LOOK LIKE AND HOW IT MAY AFFECT
THESE
24 ISSUES. SO AGAIN, AS I MENTIONED JUST
BRIEFLY
25 BEFORE, THE ISSUE THAT'S COME INTO PLAY IS
REALLY

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1 UNLIKE THE ISSUE, I THINK, THAT WE'VE HAD WITH
A
2 LOT OF THE TIER PACKAGES IN THE PAST, WHICH
WE'VE
3 SORT OF LABELED WHAT IS A WASTE. IN A SENSE
WHAT
4 WE'RE TALKING ABOUT THIS PACKAGE IS WHAT IS A
5 COMMODITY? WHEN DOES THE MATERIAL -- WHEN IS
THE
6 MATERIAL PROCESSED ENOUGH THAT IT'S NO LONGER
7 WITHIN THE BOARD'S JURISDICTION?
8 THE 1995 COMPOSTING REGULATIONS,
IT'S
9 IN QUOTES BECAUSE THEY DIDN'T USE THE TERM
10 "FINISHED COMPOST," BUT BASICALLY THOSE REGULA-
11 TIONS, WHICH INCLUDED SOME INTENT ISSUES,
BASICALLY
12 PROVIDED THAT ONCE THE COMPOSTING PROCESS WAS
DONE,
13 THAT MATERIAL WAS A COMMODITY. IT WAS NO LONGER
14 SUBJECT TO THE REGULATIONS. THAT CREATED SOME
15 PROBLEMS, WE FOUND, OVER THE COURSE OF A COUPLE
OF

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16 YEARS BECAUSE IT WAS VERY DIFFICULT FOR LEA'S TO
17 BE

18 ABLE TO VERIFY OR DETERMINE WHEN, IN FACT, THE
19 COMPOST WAS FINISHED.

20 OPERATIONS VARY WIDELY IN HOW THEY
21 HANDLE THIS MATERIAL, AND ITS NOT UNCOMMON FOR
22 ADDITIONAL CURING AND MIXING AND OTHER
23 ACTIVITIES

24 TO BE OCCURRING AT THE SAME SITE. AND SO IN
25 THE

26 EMERGENCY REGULATIONS, WE SET A LINE A LITTLE
27 BIT

28 BROADER THAN THAT AND USED THE PHRASE "SOLD,
29 BAGGED

30 FOR SALE, OR BENEFICIALLY REUSED." THE
31 PERMANENT

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1 REGULATIONS RETAINED THAT SAME LINE, BUT MADE IT
2 MORE EXPLICIT BY ADDING THE TERMS "AND REMOVED
FROM

3 THE SITE."

4 AS YOU KNOW, THIS WAS -- THIS
5 RESULTED IN A FAIR AMOUNT OF DISCUSSION WHILE
THOSE

6 REGULATIONS WERE GOING THROUGH AS TO WHETHER
THAT

7 WAS THE APPROPRIATE BRIGHT LINE. IT CLEARLY IS
A

8 BRIGHT LINE. IN FACT, AS WE'RE GOING TO TALK
ABOUT

9 IN A MINUTE, IT'S REALLY ONE END OF THE
CONTINUUM.

10 BASICALLY SAYS UNTIL THE MATERIAL GOES OFF SITE,
IT

11 STAYS WITHIN THE BOARD'S AND THE LEA'S JURISDIC-
12 TION.

13 THE BOARD APPROVED THAT REG
PACKAGE

14 AND PRIMARILY BECAUSE WE WERE TRYING TO ADDRESS
15 THIS SPECIFIC PROBLEM AND MAKE THOSE
REGULATIONS

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16 PERMANENT, BUT WE DID RECEIVE SOME DIRECTION
TO

17 START ADDRESSING THIS ISSUE AND TRY TO COME
UP

18 WITH -- SEE WHETHER THERE WAS A DIFFERENT
PLACE

19 WHERE IT MADE SENSE TO DRAW THAT LINE.

20 ONE OF THE REASONS I'VE DUBBED
THIS

21 DISCUSSION WHAT IS A COMMODITY RATHER THAN WHAT
IS

22 A WASTE IS THAT I WANTED TO REALLY DISTINGUISH
THE

23 CONTEXT FROM SOME OF THE OTHER LEGAL AUTHORITY

24 ITEMS WE'VE DISCUSSED IN THE PAST WHERE WE
HAVE

25 PRETTY CLEARLY FOCUSED ON THE HANDLING OF THE

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1 MATERIAL IN DETERMINING WHETHER OR NOT
SOMETHING
2 WAS IN OUR JURISDICTION. THE FOCUS WAS IS
THIS
3 MATERIAL BEING HANDLED IN AN OPERATIONAL
FACILITY
4 THAT THE BOARD REGULATES? AND THERE'S A VARIETY
OF
5 REASONS WE DID THAT HAVING TO DO WITH THE
6 DIFFICULTY OF DEFINING WHAT IS A WASTE.
7 THE QUESTION THAT'S -- WE ARE
GOING
8 TO TRY TO ANSWER IN THIS RULEMAKING PACKAGE IS
9 WHETHER THE FACT THAT WE'RE NOW DEALING WITH
10 MATERIAL THAT IN A SENSE WAS WITHIN THE BOARD'S
11 JURISDICTION ALREADY BUT IS NOW EXITING OUT,
12 WHETHER THAT FOCUS WOULD ALLOW US TO ACTUALLY
START
13 LOOKING AT THE MATERIAL RATHER THAN HOW IT'S
14 HANDLED OR NOT. AND SO IN THE AGENDA ITEM WE
HAVE
15 LISTED MORE AS A WAY OF JUST STARTING THIS
16 DISCUSSION ROLLING, IF YOU WILL. AS MR. EVAN
EDGAR

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17 SAID THIS MORNING, HE USED THE PHRASE "KICKOFF"
IN
18 TERMS OF THE LEGAL AUTHORITY ITEM.
19 WE HAVE A LIST OF VARIOUS
DIFFERENT
20 CATEGORIES OF WAYS TO DRAW THAT LINE BOTH WITHIN
21 THE CATEGORY OF FOCUSING ON THE HANDLING AND
22 FOCUSING THE MATERIAL. WHAT WE'RE NOT ASKING
THE
23 BOARD TODAY IN THIS LEGAL AUTHORITY ITEM TO
PICK
24 ONE OF THOSE HANDLING METHODS, AND OBVIOUSLY
FOR
25 THE SAME REASONS THAT YOU HAD IN THIS
DISCUSSION

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1 THIS MORNING OVER THE CONSTRUCTION-DEMOLITION
AND
2 INERT AGENDA ITEM, YOU KNOW, THE DEVIL IS IN
THE
3 DETAILS. WE OBVIOUSLY HAVE TO BE COMING BACK
WITH
4 SOME SPECIFIC LANGUAGE AS TO HOW THESE THINGS
MIGHT
5 HAPPEN, BUT WE WANTED TO IN THIS AGENDA ITEM
START
6 TO LIST THOSE BROAD CATEGORIES OF WAYS TO DRAW
THE
7 LINE.

8 WE THINK THAT WE HAVE COVERED THE
9 GAMUT FROM ONE END OF THE CONTINUUM TO THE OTHER
IN
10 TERMS OF WAYS TO DRAW THAT LINE, BUT ONE OF THE
11 REASONS WE WANTED TO BRING THAT FORWARD IS IN
CASE,
12 FOR INSTANCE, SOME ONE OF THE MEMBERS HAD SOME
13 OTHER ADDITIONAL WAYS THEY MIGHT WANT US TO
EXPLORE
14 OR IF WE GOT SOME PUBLIC TESTIMONY WITH SOME

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OTHER

15 WAYS TO LOOK AT THAT.

16 SO AGAIN, WITHOUT -- BECAUSE OF
THE

17 LATE HOUR, I'M NOT GOING TO DISCUSS THESE UNLESS

18 YOU HAVE SOME QUESTIONS. BUT BASICALLY WE
LISTED

19 FOUR METHODS OF DRAWING THAT LINE RELATING TO

20 FOCUSING ON THE HANDLING. THE FIRST ONE BEING,
IN

21 A SENSE, ONE END OF THE CONTINUUM, HAS THE
MATERIAL

22 BEEN SENT OFF SITE? AND THAT'S WHAT'S IN THE

23 PERMANENT CHIPPING AND GRINDING AND STORAGE
REGS.

24 THE SECOND ONE WAS HAS THE
MATERIAL

25 BEEN PURCHASED.

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1 THIRD ONE, HAS THE MATERIAL BEEN
2 CONTRACTED FOR SALE OR MARKETING FOR SALE.
3 AND THE FOURTH -- AND THOSE THREE
ARE
4 ALL ONES THAT WERE REALLY TALKED ABOUT WHEN THE
5 BOARD WAS DECIDING WHETHER OR NOT TO ADOPT THE
6 PERMANENT CHIPPING AND GRINDING REGS. AND WE
ENDED
7 UP WITH THE SENT OFF SITE LINE BECAUSE IT IS A
8 BRIGHT LINE, BUT SOME OF THE DISCUSSION RELATED
TO
9 WHETHER WE SHOULD LOOK AT WHETHER THE MATERIAL
IS
10 MARKETING FOR SALE OR CONTRACTED FOR SALE, THOSE
11 SORT OF ISSUES.
12 THE FOURTH ONE IS SOMETHING THAT'S
13 BRAND NEW IN TERMS OF DISCUSSION BEFORE THE
BOARD,
14 AND THAT IS THE MATERIAL HANDLED BY A
VOLUNTARILY
15 CERTIFIED RECYCLER. AGAIN, THAT'S LOOKING --
THE
16 FOCUS IN A SENSE IS ON THE HANDLER, BUT IN A

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SENSE

17 WE'D BE TALKING ABOUT SOME SORT OF REGULATIONS

18 WHERE SOMEBODY COULD QUALIFY AS A, IN A
SENSE,

19 COMMODITY HANDLER, IF YOU WILL, SOMEBODY
WHO'S

20 HANDLING MATERIAL THAT'S NO LONGER SOLID
WASTE.

21 AGAIN, IT'S IN THERE BECAUSE WE'RE TRYING TO
SCOPE

22 OUT THE BROAD RANGE OF ALL THE POSSIBLE WAYS TO

23 LOOK AT THIS. BUT THE AGENDA ITEM ITSELF, AS
YOU

24 CAN TELL, THERE'S OBVIOUSLY NOT A LOT OF
DEFINITION

25 AROUND THAT.

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1 MEMBER JONES: CAN I JUST ASK A
QUESTION

2 ON ONE OF THOSE? IF YOU COULD PUT IT BACK UP,
THE

3 LAST ONE YOU HAD.

4 MR. BLOCK: I SHOULD SAY THESE ALL ARE
ON

5 PAGES 12-8 AND 12-9 OF THE AGENDA ITEM WITH
SOME

6 ADDITIONAL DISCUSSION.

7 MEMBER JONES: AND WE'RE GOING TO BE
8 DEFINING -- WE'RE GOING TO BE CHOOSING AS TO
WHICH

9 OF THOSE IS GOING TO BE THE BRIGHT LINE, OR ARE
YOU

10 SAYING THAT THESE ARE --

11 MR. BLOCK: NO. WHAT WE'RE GOING TO DO
12 AFTER THE BOARD CONFIRMS OUR AUTHORITY TO GO
13 FORWARD AND START LOOKING AT THESE ISSUES, AND
I'LL

14 TALK ABOUT THAT IN A MINUTE, IS WE'RE GOING TO
BE

15 FORMING A WORKING GROUP AND STARTING TO SIT DOWN
16 AND DEFINE WHAT THESE CATEGORIES MEAN IF WE WERE

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TO

17 PUT THEM IN WRITING AND GET SOME FEEDBACK AND
COME

18 BACK TO THE COMMITTEE AND THE BOARD TO MAKE SOME
19 CHOICES ABOUT HOW THEY WOULD WANT US TO
GO.

20 MEMBER JONES: BECAUSE I SEE A
BIG

21 DIFFERENCE BETWEEN CONTRACTED FOR SALE AND
MARKETED

22 FOR SALE. ONE HAS AN AGREEMENT TO BUY. THE
OTHER

23 IS I'M PUTTING IT UP FOR SALE. I'M JUST
WONDERING

24 WHY THOSE WOULDN'T BE ON TWO DIFFERENT LEVELS

25 BECAUSE I DON'T THINK THEY'RE --

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1 MR. BLOCK: WHAT WE'LL DO IS WE'LL
MAKE
2 SURE THAT WE SEPARATE THOSE AS CATEGORIES AS
WE
3 MOVE FORWARD WITH THE WORKING GROUP. I THINK
I
4 JUST INCLUDED THEM IN THE SAME BULLET BECAUSE
THEY
5 CAME OUT OF SOME PROPOSED LANGUAGE FROM THE
EARLIER
6 REGULATIONS PACKAGE WHERE THOSE TERMS WERE
USED
7 TOGETHER. SO I JUST KEPT THEM TOGETHER, BUT
WE'LL
8 SEPARATE THEM AND GET SOME COMMENT ON IT THAT
WAY.

9 MEMBER JONES: THANKS. SORRY TO
10 INTERRUPT. THAT ONE KIND OF GRABBED ME.

11 MR. BLOCK: IT'S A GOOD POINT. IN A
SENSE
12 WHAT WE'RE DOING WITH THIS, WE'RE REALLY
BREAKING
13 SOME NEW GROUND HERE IN TERMS OF WHAT WE'RE
LOOKING

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14 AT. WE'RE TRYING TO BROADLY LOOK AT THIS
ISSUE TO

15 MAKE SURE THAT WE CONSIDER ALL THE
POSSIBILITIES.

16 AND SO THERE'S A LOT OF ROOM FOR MOVING AROUND
ON

17 THESE. THAT'S ONE OF THE REASONS WE WANTED TO

18 BRING THAT ISSUE FORWARD TO START THAT
DISCUSSION.

19 AND THEN THERE'S FIVE THAT WE'VE
20 LISTED UNDER FOCUS ON THE MATERIAL. IS THE
21 MATERIAL WASTELIKE, WHICH ESSENTIALLY INVOLVES
22 PROVIDING SOME FURTHER SPECIFICS TO THE
DEFINITION

23 OF SOLID WASTE THAT'S IN THE STATUTE, WHICH,
AS YOU

24 KNOW, IS STILL -- THERE'S A LOT OF ARGUMENT
ABOUT

25 WHAT THAT DEFINITION MEANS.

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1 DOES THE MATERIAL CREATE
WASTELIKE
2 PROBLEMS? THIS IS A LITTLE BIT DIFFERENT
BECAUSE
3 WE'RE TALKING ABOUT ADDING SOME ADDITIONAL
DEFINI-
4 TION TO THE DEFINITION OF SOLID WASTE, BUT
FOCUSING
5 NOT SO MUCH ON CHARACTERIZING THE MATERIAL AS
6 CHARACTERIZING THE IMPACTS THAT THE MATERIAL
7 CREATES, IN A SENSE GOING MORE TOWARDS THE
HEALTH
8 AND SAFETY EFFECTS.
9 WHAT LEVEL OF PROCESSING IS
NECESSARY
10 TO RECOVER THE MATERIAL? AND THAT ESSENTIALLY
IS
11 PROVIDING SOME FURTHER DEFINITION IN REGULATION
OF
12 RECYCLING, WHICH, AGAIN, IS DEFINED IN THE
PUBLIC
13 RESOURCES CODE, THAT, AS WE KNOW FROM THE
14 DISCUSSION EARLIER, THERE'S LOTS OF DISCUSSION
AS

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15 TO WHAT THAT DEFINITION MEANS.

16 IS THERE AN ESTABLISHED MARKET FOR
17 THE MATERIAL? AND HAS THE MATERIAL MET
SPECIFIED

18 STANDARDS TO QUALIFY AS RECOVERED MATERIAL?
LIKE

19 THE CONSTRUCTION AND DEMOLITION AND INERT
DEBRIS

20 ITEM EARLIER TODAY, WE HAVE INCLUDED THAT
LIST.

21 BEFORE I GO FURTHER, I NEED TO
MAKE

22 SURE THAT I GIVE CREDIT TO JEFF WATSON AND
ROBERT

23 HOLMES WHO WERE ALSO SIGNIFICANTLY INVOLVED IN
24 DEVELOPING THAT LIST AND DECIDING HOW WE WERE
GOING

25 TO APPROACH THIS ITEM.

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1 AND IN A SENSE THEY'RE NOT
STRICTLY
2 LEGAL AUTHORITY ISSUES, IF YOU WILL, BUT WE'RE
SORT
3 OF BRIDGING THE GAP TOWARDS THE NEXT PART OF THE
4 PROCESS THAT WE'RE GOING TO BE DEALING WITH.
5 IN TERMS OF THE LEGAL AUTHORITY
6 ISSUE, IN A SENSE, BECAUSE WE HAVE DECIDED THAT
WE
7 DO THESE REGULATIONS PACKAGES WITH THE LEGAL
8 AUTHORITY FIRST, I'M BEFORE YOU TODAY TO HAVE
YOU
9 CONFIRM THAT THE BOARD HAS THE AUTHORITY TO
DRAW
10 THAT LINE WHERE ITS JURISDICTION ENDS. AS I
SAY
11 IT, IT SEEMS A LITTLE BIT -- I DON'T WANT TO
SOUND
12 FACETIOUS, BUT WE DO NEED TO TAKE THAT STEP AND
13 THAT MOVES US FORWARD, THAT THE BOARD HAS THE
14 ABILITY TO DRAW DEFINITIONS ONE OF THESE -- IN
ONE
15 OF THESE WAYS OR IN OTHER WAYS IF WE COME
ACROSS

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16 THOSE. BUT IN A SENSE IT'S ALMOST MORE OF A
STATUS

17 UPDATE KIND OF AN ITEM THAN A LEGAL AUTHORITY
18 ITEM.

19 I DON'T BELIEVE THAT ANYBODY HAS
20 SERIOUSLY QUESTIONED WHETHER OR NOT THE BOARD
HAS

21 THE AUTHORITY TO DETERMINE WHERE ITS
JURISDICTION

22 ENDS IN REGULATING FACILITIES.

23 CHAIRMAN FRAZEE: LET ME DO THAT. MOST
OF

24 YOUR EMPHASIS WAS ON THE COMPOSTABLE INCREMENT
OF

25 ORGANICS, BUT, AS WE ALL KNOW, ORGANICS COVERS A

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1 LOT MORE THINGS. CAN YOU GIVE THE CITING FROM
THE

2 CODE AS YOU DID ON THE PREVIOUS ONE?

3 MR. BLOCK: WELL --

4 CHAIRMAN FRAZEE: HOW IS THE WORD "AGS"

5 USED? I KNOW THAT COMPOST IS LISTED AS A
SEPARATE

6 ITEM.

7 MR. BLOCK: DEFINITION OF COMPOST IN
THE

8 PUBLIC RESOURCES CODE.

9 CHAIRMAN FRAZEE: IS THERE A CITING
THAT

10 USES THE WORD "ORGANICS?"

11 MR. BLOCK: THE PRODUCT RESULTING FROM
THE

12 CONTROLLED BIOLOGICAL DECOMPOSITION OF ORGANIC

13 WASTES THAT ARE SOURCE SEPARATED FROM THE --

14 CHAIRMAN FRAZEE: BUT THERE'S NOT
ORGANICS

15 USED IN THE SAME CONTEXT THAT OTHER ITEMS THAT
WE

16 ARE AUTHORIZED TO REGULATE.

17 MR. BLOCK: WELL, EXACTLY. ACTUALLY

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18 THAT'S TRUE BECAUSE IN A SENSE WHAT WE'VE GOT,
AND
19 THAT'S ONE OF THE REASONS THE CONTEXT THAT WE'RE
IN
20 IS THE COMPOST REGULATIONS. ALL THE OTHER
21 DISCUSSIONS THAT WE'VE BEEN HAVING RELATE TO
22 TRANSFER/PROCESSING FACILITIES PRIMARILY, SLASH,
OR
23 FOR RECYCLING FACILITIES AND WHETHER OR NOT THEY
24 ARE HANDLING SOLID WASTE. AND SO WE'VE COME
BACK
25 IN THOSE ANALYSES TO LOOKING AT THE DEFINITION
OF

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1 SOLID WASTE.

2 THE DEFINITION OF COMPOST AND THEN
3 COMPOSTING FACILITY, WHICH IS ALSO WITHIN THE
4 BOARD'S JURISDICTION, IS BROADER THAN THAT. AND
5 THE FOCUS IS ON CONTROLLED BIOLOGICAL
DECOMPOSITION

6 OF ORGANIC MATERIALS AS OPPOSED TO IS THIS
MATERIAL

7 A WASTE OR NOT. SO OUR JURISDICTION, IN A
SENSE,

8 IS BROADER THAN THAT. WE DON'T HAVE TO, FOR
LACK

9 OF A BETTER PHRASE, JUMP THROUGH THE HOOP OF IS
IT

10 A SOLID WASTE IN THE FIRST PLACE. THE ANALYSIS
IS

11 IF THEIR MATERIAL IS BEING COMPOSTED, IT'S
WITHIN

12 THE BOARD'S JURISDICTION. AND THAT --

13 MEMBER RELIS: IF I UNDERSTAND YOUR
14 QUESTION, BOB, YOU ARE REALLY ASKING WHERE DOES
THE

15 TERM "ORGANICS" COME IN OUR --

16 CHAIRMAN FRAZEE: AND IN THIS SECTION

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OF

17 THE CODE, IT LISTS ALL THE THINGS THAT THE ACT
18 COVERS, BUT IT DOESN'T USE THE WORD
"ORGANICS"

19 ALTHOUGH ANY NUMBER OF THOSE ITEMS ARE
ORGANIC.

20 MS. RICE: THAT'S WHY WE SOUGHT TO
PUT

21 FORWARD A DRAFT DEFINITION BECAUSE IT IS A
22 CONFUSING TERM. AND WE'RE CERTAINLY OPEN TO
23 SUGGESTIONS ON CLARIFYING THE TERM. YOU CAN
SAY

24 ORGANIC WASTES. YOU COULD -- BECAUSE IT'S
25 REALLY -- IT INCLUDES A NUMBER OF THOSE
THINGS THAT

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1 ARE LISTED UNDER THE DEFINITION OF SOLID
WASTE.

2 IT'S NOT ONE WASTE TYPE. IT'S NOT ONE OF
THOSE

3 CATEGORIES. IT'S MULTIPLE. SO IT IS A
GROUPING.

4 MEMBER RELIS: SO ARE YOU THEN -- IS
THE

5 REASON TO USE ORGANICS, YOUR USE OF THE TERM,
KEEP

6 IT SUFFICIENTLY BROAD SO THAT WE'RE NOT
RESTRICTED

7 TO PURELY COMPOST? IT COULD COVER THE
MULCHING,

8 AND GIVES YOU THE UMBRELLA.

9 MS. RICE: WE WERE LOOKING TO HAVE A
10 BROADER STARTING POINT RATHER THAN A NARROW
11 STARTING POINT. WE MAY FIND THROUGH THE
RULEMAKING

12 THAT WE WINNOW DOWN RATHER THAN OUT AS WE GET
13 COMMENT AND FIND OUT WHAT IS THE APPROPRIATE
AREA

14 FOR THE BOARD TO SEEK TO REGULATE, BUT WE DID

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15 CHOOSE A FAIRLY BROAD DEFINITION AND A BROAD
16 TERM.

17 IF I RECALL, THIS PACKAGE WAS A
18 COUPLE YEARS AGO CALLED WOODY WASTES IN OUR
19 TIERED

20 CALENDARS, AND THEN WE FELT THAT WAS WAY TOO
21 NARROW, SO WE CHANGED IT. AS WE ENCOUNTERED
22 PROBLEMS WITH THE COMPOST REGULATIONS, WE
23 BROADENED

24 TO THE TERM "ORGANIC" WHEN THE ISSUES CAME UP
25 THAT

26 SOME OF THE EXCLUSIONS IN THE COMPOST REGS, SOME
27 OF

28 THE EXEMPTIONS WERE CAUSING DIFFICULTIES.

29 SO WE SOUGHT TO BROADEN IT TO
30 ENCOMPASS ANY OF THOSE ACTIVITIES THAT MIGHT
31 FALL

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1 OUT OF ONE OF THOSE EXCLUSIONS, EXEMPTIONS,
AREAS

2 WITHIN THE COMPOST REGS THAT YOU MAY WISH TO
3 REVIEW. BUT THE TERM ITSELF IS CERTAINLY
SUBJECT

4 TO YOUR DISCRETION TO CHANGE.

5 MEMBER RELIS: I DON'T HAVE A PROBLEM
WITH

6 IT. I THINK WE'RE JUST EXPLORING WHY --

7 CHAIRMAN FRAZEE: JUST WANTED TO GET IT
8 INTO CONTEXT.

9 MR. BLOCK: DID YOU HAVE ANY OTHER
10 QUESTIONS ON THAT THEN?

11 CHAIRMAN FRAZEE: NO. BUT WE'VE GOT IN
MY

12 MIND A LITTLE BIT OF CART BEFORE THE HORSE HERE
IN

13 THAT COMPOST REGULATIONS WERE ALREADY ADOPTED
AND

14 THEN --

15 MS. RICE: SO IN A SENSE THIS GREW OUT
OF

16 WE HAD THE COMPOST REGS. AT THAT TIME THE
DEBATE

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17 WAS, WELL, WE WON'T TRY TO COVER GREEN MATERIAL
18 OPERATIONS OTHER THAN COMPOSTING. WE'LL PULL
THOSE
19 OUT. WE'LL SET ASIDE THAT SOMEDAY WE'RE GOING
TO
20 TIER SOMETHING CALLED WOODY WASTE AS WE BETTER
21 DEFINE WHAT THAT IS.
22 THROUGH THE EXPERIENCE WITH THE
23 COMPOST REGS, I THINK WE FOUND THAT TERM
24 CONSTRAINING AND BROADENED THAT. AND NOW
THROUGH
25 THIS PACKAGE, ONCE WE'RE PAST THE AUTHORITY
HOOP,

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1 WE'LL BE TRYING, THROUGH WORKING WITH THE GROUP
AND

2 GETTING INPUT IN AN INFORMAL TIME FRAME, TO
FIGURE

3 OUT WHAT ARE THE ACTIVITIES AND OPERATIONS WE'RE
4 LOOKING AT? WHAT ARE THE COMPONENTS OF THE
5 WASTESTREAM THAT WE'RE LOOKING AT TO REIN IT
BACK

6 IN?

7 MR. BLOCK: IN A SENSE I THINK ONE OF
THE

8 REASONS THAT THIS FEELS STRANGE AS A LEGAL
9 AUTHORITY ITEM IS IN A SENSE THE BOARD HAS
ALREADY

10 DECIDED IT HAS LEGAL AUTHORITY BECAUSE THAT'S
WHY

11 WE HAVE THE COMPOST REGULATIONS. AND SO YOU
DON'T

12 REALLY SEE ANALYSIS OR DISCUSSION OF THAT IN THE
13 ITEM. IN A SENSE THIS REALLY IS MUCH MORE
OF A

14 KICKOFF ITEM FOR STARTING FOR LOOKING AT
THOSE

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15 ISSUES. AND THAT'S THE OTHER REASON WE'VE
INCLUDED

16 THAT DEFINITION OF ORGANICS, TO START THAT
17 DISCUSSION AS WELL.

18 CHAIRMAN FRAZEE: SO WE'RE GOING TO BE
19 LOOKING AT THE USE, PROCESSING, OR HANDLING OF
20 ORGANICS OTHER THAN COMPOST AS WELL.

21 MS. RICE: I THINK WE'RE PRIMARILY
LOOKING

22 AT COMPOSTING AND COMPOST-LIKE ACTIVITIES. I
KNOW

23 THAT'S A CONFUSING TERM, BUT I THINK THAT'S THE
24 AMBIGUITY WE GOT INTO WITH THE COMPOST
REGULATIONS,

25 THAT AS SOON AS WE DEFINED WHAT WAS COMPOSTING,
ALL

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1 THE THINGS THAT WE SAID WERE NOT BECAME
INDUSTRIES

2 ON THEIR OWN.

3 CHAIRMAN FRAZEE: SO EVEN THOUGH, SAY,
4 WOOD CHIPS DESTINED FOR AS A BIOMASS FUEL OR
AN

5 ORGANIC, ARE WE GOING TO BE LOOKING AT THAT
AREA?

6 MS. RICE: IF I RECALL, BIOMASS WAS,
WHAT,

7 ONE OF THE EXEMPTIONS UNDER THE COMPOST REGS.
WE

8 DID COMMIT AT YOUR DIRECTION TO REVIEW ALL THE
9 EXEMPTIONS TO SEE WHETHER THEY'RE APPROPRIATE,
10 WHETHER YOU WANT TO REVISIT THEM FOR TIERING.
SO

11 THE EXEMPTIONS WERE ONE STARTING POINT FOR
WHAT

12 THIS PACKAGE SHOULD LOOK AT, NOT THAT YOU'LL END
UP

13 DOING ANYTHING NECESSARILY, BUT THAT IT SHOULD
BE

14 REVIEWED AND BROUGHT FORWARD FOR YOUR

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DISCUSSION.

15 MR. BLOCK: SO PERHAPS THAT
ACTUALLY

16 SHOULD BE AN ADDITION. THERE SHOULD BE A
FIFTH

17 BULLET IN TERMS OF THE SCOPE OF THE ORGANICS
18 PACKAGE TO INCLUDE THAT.

19 MEMBER JONES: THE -- WHEN YOU TALK
ABOUT

20 THE BIOMASS AS BEING EXCLUDED, WITH THE BIOMASS
21 INDUSTRY -- USERS IN THE BIOMASS PLANTS NOT
TAKING

22 THE MATERIAL THAT WAS ORIGINALLY PROCESSED TO
BE

23 SOLD AS A FUEL AND NOW ENDS UP AS A WOOD CHIP,
IS

24 THAT -- I MEAN WE'RE GOING TO LOOK AT SOME OF
THOSE

25 ISSUES.

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1 MR. BLOCK: RIGHT.

2 MEMBER JONES: OKAY. ALL RIGHT.

3 MEMBER RELIS: MR. CHAIR, FIRST, YEAH,

I

4 KIND OF LOOK AT THIS AS RECONFIRMING OUR

AUTHORITY

5 SINCE WE ALREADY HAVE CONFIRMED IT

HISTORICALLY.

6 BUT IF THAT'S THE CASE, I'M ALL FOR IT. IT'S A

BIG

7 ONE.

8 AND THEN THE COMMENTS I WANTED TO

9 MAKE WERE JUST, FIRST, I REALLY WANTED TO

COMMEND

10 STAFF FOR RAISING THESE QUESTIONS ON THE

QUESTIONS

11 UNDER THE FOCUS ON HANDLING, THE FOCUS ON

MATERIAL,

12 THIS FUNDAMENTAL ISSUE OF WHAT CONSTITUTES A

13 COMMODITY. THAT'S SORT OF THE 64 MILLION OR 64

14 BILLION DOLLAR QUESTION IN THE SOLID WASTE

15 RECYCLING SCHEME. I THINK YOU ARE DEFINITELY ON

16 THE RIGHT TRACK TO DO THAT. AND I'M VERY

IMPRESSED

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17 WITH HOW YOU PREPARED THIS ITEM IN THAT WAY.

18 I THINK IT'S SOMETHING WE
STRUGGLED

19 WITH IN THE FIRST ROUND OF OUR ORGANICS
RECYCLING

20 TIERED PERMITTING SYSTEM, AND WE GOT SO FAR AT
THAT

21 TIME AND WE RAN UP AGAINST THE QUESTION OF WHEN
DO

22 WE FEEL YOU COULD LET A MATERIAL GO AS A
COMMODITY

23 AND WHEN DID WE WANT TO KEEP A HANDLE ON IT AS A
24 WASTE. AND IT'S A VERY COMPLEX BUSINESS TRYING
TO

25 DETERMINE THIS, BUT I DON'T KNOW HOW TO GET
THERE

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16 LIKE THE MATERIAL, BUT WE DON'T LIKE TOO MUCH OF
IT

17 OR SOMETHING LIKE THAT.

18 MR. BLOCK: I'LL START. I DON'T KNOW
THAT

19 I WANT TO SPEAK TO SPECIFICS ON THE PROCESS IN
20 TERMS OF PUTTING TOGETHER A WORKING GROUP OR
THE

21 LIKE, BUT CLEARLY WE'LL BE DOING SOMETHING
LIKE

22 THAT. AS PART OF THAT EFFORT, AND I CAN'T TELL
YOU

23 RIGHT NOW OFF THE TOP OF MY HEAD, WHICH WILL
COME

24 FIRST. WE WILL BE LOOKING AT FOR EACH OF THESE
25 CATEGORIES TRYING TO WRITE SOME SORT OF

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15 THAT WORKING GROUP PROCESS IS GOING TO
HAVE TO BE
16 TAKING DOWN THESE BROAD CATEGORIES AND NOT
IN ANY
17 KIND OF A FINAL FORM, BUT IN ONE OR TWO OR
THREE
18 SENTENCES OR PARAGRAPHS START TO WRITE
WHAT WOULD
19 THAT LOOK LIKE BECAUSE THAT'S REALLY WHERE
PEOPLE
20 WILL START TO REACT AS TO WHETHER THAT
MAKES SENSE
21 OR NOT. AND AT THIS STAGE, IN TERMS OF
THE AGENDA
22 ITEM, IT WAS JUST TO KIND OF START -- PUT
THOSE
23 ISSUES OUT FOR PEOPLE TO START THINKING
ABOUT
24 AND -- BUT NOT GET TO THAT DETAIL LEVEL
YET AND TO
25 SEE IF THERE WERE SOME OTHER THINGS, SOME
BROADER

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1 CATEGORIES THAT WE HADN'T THOUGHT OF THAT
YOU

2 WANTED US TO ALSO EXPLORE OR THAT SOME
FOLKS

3 COMMENTING MIGHT THINK OF.

4 WE THINK COVERED THE GAMUT OF
TYPES

5 OF WAYS TO DRAW THAT LINE, BUT THERE MAY BE A
FEW

6 OTHERS. AND CLEARLY SOME OF THE THINGS ON THE
LIST

7 ARE WAY OUT THERE. THEY'RE NEW AND THEY'RE ON
8 THERE BECAUSE WE WANTED TO BE AS COMPLETE AS
9 POSSIBLE IN LOOKING AT THIS, BUT THERE'S NO
10 QUESTION THAT ONE OR MORE OF THESE PROBABLY
WILL

11 DROP OUT A LOT QUICKER THAN SOME OF THE
OTHERS.

12 BUT WE WANTED TO MAKE SURE WE WERE AS COMPLETE
AS

13 POSSIBLE SINCE THIS IS A SIGNIFICANT SEGMENT OF
THE

14 WASTESTREAM.

15 MEMBER RELIS: MR. CHAIR, I'M WILLING

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TO

16 MAKE A MOTION.

17 CHAIRMAN FRAZEE: WE HAVE LARRY
SWEETSER

18 WHO WISHES TO MAKE A BRIEF COMMENT ON THIS.

19 MR. SWEETSER: I WILL BE BRIEF. LARRY
20 SWEETSER AGAIN WITH NORCAL WASTE SYSTEMS. I
21 SUPPORT, BUT LET'S GO OUT. EVAN AND I HAVE
22 CHATTED, SO HE AND I OF LIKE MIND ON THIS
ONE.

23 LET'S GO OUT AND LOOK AT THE ISSUES.

ALTHOUGH WE

24 ARE SOMEWHAT CONFUSED, WE'VE DONE COMPOST,
WE'VE

25 DONE CHIP AND GRIND, WE'VE DONE OTHER ONES,
WE'RE

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1 TRYING TO DO RECYCLING FACILITIES, AND TRYING
TO

2 FIGURE OUT HOW THIS FITS IN AND WHAT'S LEFT
AND

3 HOPING -- AND THIS IS EVAN'S TERM. HE TOLD
ME I

4 COULD USE IT -- LET'S NOT GET TIER HAPPY.

5 SO I'LL BE ONE OF THE FIRST

6 VOLUNTEERS IN THE GROUP TO LOOK AT THAT. AND
I'M

7 ALSO CURIOUS ON HOW THESE QUESTIONS WILL
TRANSLATE

8 IF WE TRY TO USE THEM ON THE RECYCLING TIERS AS

9 WELL. SO I'LL KEEP THAT IN MIND AS WE GO
THROUGH

10 THE PROCESS.

11 CHAIRMAN FRAZEE: OKAY. THANK YOU.

12 MEMBER JONES: THEY DEFINED ORGANIC.

13 MS. RICE: WE TRIED.

14 MEMBER JONES: I LIKE IT. IT'S GOOD.

I

15 LIKE THE DEFINITION. STILL WANT TO HEAR THE

16 DEFINITION OF REUSE.

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17 MEMBER RELIS: MR. CHAIR, I WOULD
PROPOSE

18 THAT WE ADOPT THE -- THAT WE -- IT'S GETTING
LATE

19 IN THE DAY -- WE DO RECONFIRM THAT WE HAVE THE
20 LEGAL AUTHORITY TO REGULATE ORGANICS AND THAT WE
--

21 WELL, I THINK THAT WILL BE THE PRINCIPAL ACTION.
22 AND THEN YOU ARE LOOKING FOR FOLLOW-UP.

23 UNIDENTIFIED STAFF: THERE IS A STAFF
24 OPTION.

25 MR. BLOCK: PAGE 12-3 OF THE ITEM,
OPTION

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1 NO. 2 SAYS CONFIRM, SO PROBABLY MODIFY IT AS
2 RECONFIRM.

3 MEMBER RELIS: OKAY. I WOULD RECONFIRM
4 AND PROPOSE THAT WE ADOPT ITEM 2. YEAH, THAT'S
IT.

5 MEMBER JONES: I SECOND.

6 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
A
7 SECOND TO RECONFIRM THE BOARD'S GENERAL LEGAL
8 AUTHORITY TO REGULATE ORGANICS AND DIRECT THE
STAFF

9 TO SEEK ADDITIONAL INPUT. IF THE SECRETARY WILL
10 CALL THE ROLL ON THAT ONE.

11 THE SECRETARY: BOARD MEMBER RELIS.

12 MEMBER RELIS: AYE.

13 THE SECRETARY: BOARD MEMBER JONES.

14 MEMBER JONES: AYE.

15 THE SECRETARY: CHAIRMAN FRAZEE.

16 CHAIRMAN FRAZEE: AYE. MOTION IS
CARRIED,

17 AND THAT ONE IS A POSSIBLE CONSENT, MY SHEET
SAYS.

18 VOTE CONSENT ON THAT. WITHOUT OBJECTION WE
WILL.

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19 AND FINALLY, THE STATUS OF THE
WASTE

20 TIRE STABILIZATION AND ABATEMENT PROGRAM, ITEM
14.

21 MS. RICE: THANK YOU, MR. CHAIRMAN.
BOB

22 FUGI WILL MAKE A BRIEF PRESENTATION.

23 MR. FUGI: GOOD AFTERNOON. BEFORE I
24 BEGIN, I'D LIKE TO POINT OUT THAT THERE HAVE
BEEN

25 SOME MINOR CHANGES TO THE ITEM AND THINK THE
236

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1 COMMITTEE PROVIDES COPIES THAT YOU HAVE IN FRONT
OF
2 YOU.

3 PURPOSE OF THE ITEM IS JUST TO
4 PROVIDE THE COMMITTEE WITH A STATUS REPORT ON
THE
5 ILLEGAL WASTE TIRES THAT HAVE BEEN REMEDIATED TO
6 DATE AND WHAT SITES WE'RE PROPOSING TO REMEDIATE
IN
7 THE NEXT YEAR OR SO UNDER OUR CLEANUP CONTRACTS.

8 PUBLIC RESOURCES SECTION 42846
9 AUTHORIZES THE BOARD TO EXPEND MONIES FROM THE
10 CALIFORNIA TIRE RECYCLING MANAGEMENT FUND TO
11 PERFORM REMEDIATION OF ILLEGAL WASTE TIRE SITES.
12 AS A RESULT THE WASTE TIRE STABILIZATION AND
13 ABATEMENT PROGRAM WAS APPROVED BY THE BOARD ON
14 AUGUST 31, 1994.

15 SINCE THE START OF THE WASTE TIRE
16 STABILIZATION AND ABATEMENT PROGRAM, THE BOARD
HAS
17 APPROVED 37 SITES FOR REMEDIATION. THIRTEEN OF
18 THESE SITES HAVE BEEN STABILIZED OR
REMEDIATED

19 UNDER THE PROGRAM, 12 SITES ARE SCHEDULED

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FOR

20 REMEDIATION DURING 1998 FISCAL YEAR, AND 12
SITES

21 HAVE BEEN REFERRED TO THE PROGRAM FROM THE
WASTE

22 TIRE ENFORCEMENT PROGRAM AND ARE PENDING
APPROVAL

23 BY THE BOARD.

24 I'D LIKE TO REFER YOU NOW TO THE

25 TABLES IN THE BACK AND JUST KIND OF RUN DOWN
WHERE

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1 WE ARE WITH EACH OF THE DIFFERENT CONTRACTS.

2 LOOKING AT ATTACHMENT 1, WHICH IS THE
EXPENDITURES

3 UNDER THE '94-'95 WASTE TIRE STABILIZATION

4 CONTRACT, WE CLEANED UP 13 SITES AT
APPROXIMATELY

5 \$762,504. WE REMOVED ABOUT 7,182 TONS OF WASTE
6 TIRES. AND AS YOU KNOW, THE CONTRACT EXPIRED
IN

7 JUNE OF 1997.

8 LOOKING AT NOW ATTACHMENT 2, THIS
IS

9 A SUMMARY THAT PROPOSES EXPENDITURES UNDER THE
10 '96-'97 CONTRACT, WHICH WAS APPROVED BY THE
BOARD

11 BACK IN JUNE, ON JUNE 26, 1997. THERE ARE
12 CURRENTLY 12 SITES APPROVED BY THE BOARD FOR
13 REMEDIATION. EIGHT OF THEM -- THERE ARE ALSO
EIGHT

14 PENDING BOARD APPROVAL, AND WE'LL REMOVE
15 APPROXIMATELY 10,837 TONS OF WASTE TIRES AT A
COST

16 OF ABOUT A MILLION -- \$1,445,795 WHEN THEY'RE
17 COMPLETED.

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18 AND MOVING TO ATTACHMENT 3, THIS
IS

19 A --

20 MEMBER JONES: JUST QUICK QUESTION,
BOB.

21 ON ATTACHMENT 2, FINE AND SONS, DIDN'T FINE AND
22 SONS, YOU GUYS WERE ABLE TO GET THEM TO
REMEDiate

23 AT NO COST? I MEAN YOU PUT THE HAMMER DOWN, AND
24 THAT MONEY WE HAD ALLOCATED NEVER GOT SPENT
BECAUSE

25 THEY DID IT.

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1 MR. FUGI: I WAS GOING TO MENTION THAT
2 LATER IN THE PRESENTATION, BUT YOU BEAT ME TO
THE
3 PUNCH.

4 MEMBER JONES: I JUST SAW IT HERE. I'M
5 SORRY.

6 MR. FUGI: IT'S GONE NOW, AND IT'S ONE
OF
7 THE SITES THAT, YOU KNOW, THE SITE -- THE LISTS
ARE

8 GOING TO CHANGE BECAUSE OF SITUATIONS LIKE THAT
9 OCCURRING. SO THAT'S A GOOD THING FOR US.

10 MEMBER JONES: GOOD JOB TOO.

11 MS. RICE: I THINK IT'S A REAL
IMPORTANT

12 POINT THAT JUST BECAUSE YOU APPROVE US TO GO
13 FORWARD AND CLEAN UP A PROJECT, WE DO NOT STOP
THE

14 ENFORCEMENT PROCESS. THAT CONTINUES. AND IF WE
15 ARE ABLE TO GET THE OUTCOME OF THE CLEANED-UP
SITE

16 WITHOUT SPENDING THE DOLLARS, THAT'S THE GOAL.
SO

17 IT'S JUST AN ADDITIONAL LEVERAGE AND ASSISTANCE

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18 WITH THE OWNER-OPERATOR.

19 MEMBER RELIS: MR. CHAIR, JUST POINT
OF

20 CLARIFICATION ON THE '94-'95, YOU SHOW A
CONTRACT

21 AMOUNT OF 800,000. WE SPENT 762. WAS THERE --
22 THERE WAS A REMAINDER THERE?

23 MR. FUGI: YES, THERE WAS. WE DIDN'T
24 EXPEND ALL THE CONTRACT FUNDS. WHEN YOU GET
DOWN

25 TO THE END OF THE CONTRACT YEAR, WHAT YOU ARE

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15 MR. FUGI: YOU'RE TALKING ABOUT THE
6-7

16 CONTRACT?

17 MEMBER RELIS: '94-'95. I'M JUST
LOOK-

18 ING -- IT'S THE SAME INFORMATION, YOU KNOW,
SAME

19 FORMAT. THEN YOU GO TO '96-'97, YOU HAVE A
SLIGHT

20 SURPLUS. DID YOU JUST LEAVE THAT OUT? WHERE
DID

21 THAT MONEY GO?

22 MR. FUGI: I GUESS -- YEAH, I MEAN IT
WAS

23 AN OVERSIGHT, AND WE PROBABLY COULD HAVE PUT
THAT

24 REMAINING AMOUNT IN THERE.

25 MEMBER RELIS: OKAY. I'M SURE IT
DIDN'T

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1 DISAPPEAR, BUT I JUST WAS CURIOUS.

2 MS. RICE: AS YOU NOTED MAYBE JUST
THIS

3 MORNING, THESE LISTS ARE VERY FLUID. WE JUST
PUT

4 THEM FORWARD TO GIVE YOU AN IDEA OF THE THINGS
ON

5 THE TABLE TODAY, BUT THEN THIS MORNING WE WERE

6 DISCUSSING INYO COUNTY. THAT SITE'S NOT
REFLECTED

7 HERE, BUT IT WOULD COME OUT OF THE MONEY LISTED
ON

8 ATTACHMENT 2 OR THE MONEY LISTED ON ATTACHMENT
3,

9 SO THESE REVISE CONSTANTLY AS YOU BRING
PRIORITIES

10 TO US.

11 MR. FUGI: AND THEN, AGAIN, REFERRING
TO

12 ATTACHMENT 3, WHICH WE'RE PROPOSING TO SEND AN
RFQ

13 PACKAGE OUT FOR THE '97-'98 WASTE TIRE

14 STABILIZATION CONTRACT SOMETIME IN THIS MONTH
IN

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15 THE AMOUNT OF \$2,500,000. AND ATTACHMENT 3 IS,
16 AGAIN, A PROPOSED LIST OF SITES THAT WE WOULD
BE
17 INTENDING TO SPEND THE '97-'98 CONTRACT
DOLLARS
18 ON.

19 AND YOU NOTICE THAT THERE ARE
SOME

20 FUNDS REMAINING IN THAT ONE ALSO, YOU KNOW, A
21 COMPARATIVELY LARGE AMOUNT OF MONEY, BUT WE
WILL

22 BE -- YOU KNOW, THERE ARE A LOT OF SITES OUT
THERE

23 THAT HAVE NOT BEEN REFERRED TO OUR PROGRAM YET
FOR

24 THE ENFORCEMENT PROCESS. SO IT'S ANTICIPATED
THAT,

25 YOU KNOW, THROUGH SITUATIONS LIKE WE'RE TALKING

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1 ABOUT WITH INYO COUNTY, WE'LL BE GETTING A LOT
MORE

2 SITES TO BE CLEANED UP UNDER THIS CONTRACT.

3 LET'S SEE. THEN I REFER YOU
LASTLY

4 TO, WELL, ALMOST LASTLY, TO ATTACHMENT 4. WHAT
5 THIS IS IS A LIST OF ILLEGAL WASTE TIRE SITES
THAT

6 WERE COMPILED BY STAFF AND USED IN A WHITE PAPER
7 FOR DISCUSSION ON THE ALLOCATION OF TIRE FUNDS
BY

8 THE BOARD DURING 1996. AT THE TIME THE SITES
WERE

9 PENDING AN ENFORCEMENT PROCESS, AND WE RANKED
THEM

10 BY PRIORITY AND PROVIDED AN ESTIMATED CLEANUP
COST.

11 WE'RE BASICALLY PRESENTING THIS
LIST

12 TO YOU AGAIN TO SHOW THE CURRENT STATUS OF THE
13 SITES. THERE ARE 35 SITES ON THE LIST. TWENTY-
ONE

14 OF THESE SITES HAVE BEEN REMEDIATED, AND THEY'RE

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15 KIND OF SHOWN IN BOLD ON THE ATTACHMENT EITHER
BY

16 RESPONSIBLE PARTIES OR BOARD SPONSORED
CLEANUPS,

17 AND THE REST OF THEM ARE SOMEWHERE IN THE
PROCESS

18 OF BEING REMEDIATED OR GOING TO ENFORCEMENT.

19 AND THE LAST THING I WANTED TO
TALK

20 WITH YOU ABOUT WAS PROMOTING ALTERNATE USE OF
WASTE

21 TIRES. AND I JUST WANTED TO BRIEF THE COMMITTEE
ON

22 HOW WE'RE PROMOTING ALTERNATE USE OF WASTE TIRES

23 BOTH IN 6-7 AND PROPOSED 9-7 CONTRACTS. WE'RE

24 GOING TO BE PROVIDING A 30-PERCENT INCENTIVE
FOR

25 CLEANUP CONTRACTORS TO USE ALTERNATE USE
RATHER

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1 THAN LANDFILLING THE WASTE TIRES.

2 IN ADDITION, WE HAVE HIRED A

3 CONSULTANT, GEOSYNTECH, TO GO OUT AND DEVELOP

4 HOW-TO MANUALS FOR THE VARIOUS LANDFILL

OPERATORS

5 TO PROMOTE ENGINEERING APPLICATION OF WASTE

TIRE

6 SHREDS AT LANDFILLS. THE KINDS OF THINGS THAT

7 WE'RE WORKING ON RIGHT NOW OR HAVING THEM WORK

ON

8 ARE USE OF WASTE TIRE SHREDS AS ADC, USE OF

WASTE

9 TIRE SHREDS AS FOUNDATION LAYER FOR FINAL

COVER,

10 USE OF WASTE TIRE SHREDS AS DRAINAGE MATERIAL

IN

11 LEACHATE COLLECTION SYSTEMS, AND USE OF WASTE

TIRE

12 SHREDS IN CONSTRUCTION OF LANDFILL GAS

MONITORING

13 AND COLLECTION SYSTEMS.

14 RIGHT NOW THE GUIDANCE DOCUMENT

FOR

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15 THE ADC HAS JUST BEEN COMPLETED. WE ANTICIPATE
16 BRINGING THAT PROBABLY BEFORE THE POLICY
COMMITTEE
17 BEFORE WE RELEASE THAT TO OPERATORS OR WHO MIGHT
BE
18 INTERESTED IN USING ADC AT THEIR SITES. WE
19 CURRENTLY HAVE SEVERAL LANDFILLS THAT ARE
UTILIZING
20 ADC NOW, TIRE SHRED ADC NOW, SO IT'S SOMETHING
21 THAT'S ALREADY BEEN STARTED AND HOPEFULLY WE
CAN
22 EXPAND ITS USE A LITTLE BIT MORE THROUGH
THESE
23 DOCUMENTS.
24 WE ANTICIPATE THAT THE
REMAINING
25 GUIDANCE DOCUMENTS WILL BE COMPLETED OVER THE
NEXT

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1 SIX TO ONE-YEAR -- SIX-MONTH TO ONE-YEAR PERIOD
2 ALONG WITH CORRESPONDING DEMONSTRATION PROJECTS
TO
3 SHOW THAT THE HOW-TO MANUALS ACTUALLY WORK OR
TO
4 REVISE THEM IF THE FIELD DEMONSTRATION
PROJECTS
5 SHOW THAT THERE NEEDS TO BE SOME TWEAKING OF
THE
6 DOCUMENTS. SO, AGAIN, THAT SHOULD BE DONE IN
THE
7 NEXT YEAR OR SO.
8 AND THE LAST THING WE DID TO
PROMOTE
9 ALTERNATE USE IS IN JUNE WE CONDUCTED A
WORKSHOP
10 WITH DANA HUMPHREY FROM THE UNIVERSITY OF
MAINE.
11 HE CAME OUT AND TALKED ABOUT ENGINEERING
12 APPLICATIONS OF WASTE TIRE SHREDS MAINLY IN
ROAD
13 CONSTRUCTION-TYPE PROJECTS AND BANK
STABILIZATION-

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14 TYPE PROJECTS. WE HAD REPRESENTATIVES FROM THE
15 TIRE INDUSTRIES AND REGULATORY AGENCIES, AS
WELL AS

16 VARIOUS PUBLIC WORKS DEPARTMENT THAT CAME
OUT. AND

17 I THOUGHT IT WAS PRETTY WELL RECEIVED. MOST
PEOPLE

18 THAT CAME THOUGHT THE INFORMATION WAS USEFUL.

19 WE SINCE THEN SUBCONTRACTED
WITH DR.

20 HUMPHREY UNDER OUR ENGINEERING APPLICATIONS

21 CONTRACT TO HELP US DEVELOP SOME OF THESE
HOW-TO

22 MANUALS AND PROVIDE SOME EXPERTISE IN AREAS
THAT HE

23 HAS.

24 THAT'S PRETTY MUCH MY
PRESENTATION.

25 ANY QUESTIONS?

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1 CHAIRMAN FRAZEE: THE MELP CONTRACT
IS SAN

2 JOAQUIN COUNTY?

3 MS. RICE: NO. THAT'S SEPARATE FROM
4 THIS.

5 CHAIRMAN FRAZEE: IT'S NOT SHOWN IN
THIS.

6 MS. RICE: THAT WAS THE FUNDS THAT
YOU HAD

7 SET ASIDE AS A PRUDENT RESERVE, SO IT WASN'T
8 FUNNELED THROUGH THE CLEANUP CONTRACT. AND
THAT

9 PILE, IT'S NOT ONE OF THE ONES ON THIS LIST.

10 MR. FUGI: NO, IT'S NOT.

11 CHAIRMAN FRAZEE: WHAT IS THE SAN
JOAQUIN

12 COUNTY ONE?

13 MR. FUGI: THAT WOULD BE ROYSTER
TIRE

14 PILE. YOU KNOW, WE LEFT THE NAMES OFF THIS.
I

15 APOLOGIZE FOR THAT. WE PROBABLY COULD HAVE
PUT THE

16 NAMES ON HERE. IT WASN'T ON THE ORIGINAL

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LIST, AND

17 WE PROBABLY COULD HAVE UPDATED IT FOR THE
18 PRESENTATION. I APOLOGIZE FOR THAT.

19 CHAIRMAN FRAZEE: OKAY. ANYTHING
ELSE?

20 QUESTIONS? APPARENTLY NOT. THANK YOU.

21 IS THERE ANYTHING ELSE TO COME
BEFORE

22 THE COMMITTEE? OPEN DISCUSSION? IF THERE'S
23 NOTHING ELSE TO COME BEFORE THE COMMITTEE, WE
WILL

24 STAND ADJOURNED. THANK YOU ALL FOR YOUR KIND
25 ATTENTION.

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1 (THE MEETING WAS THEN ADJOURNED
AT
2 4:30 P.M.)
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246

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